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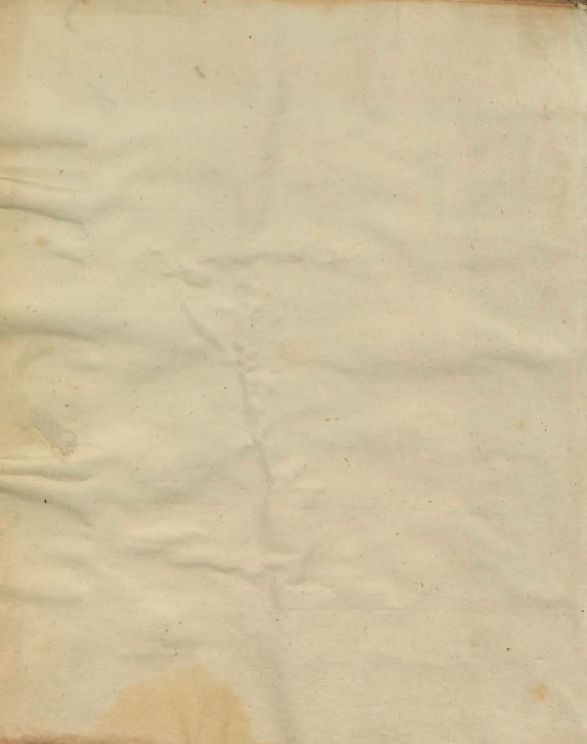


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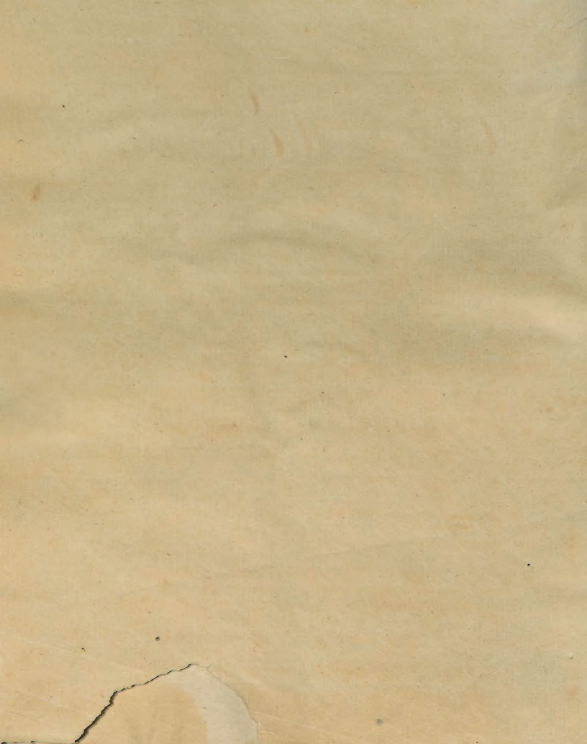
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Lecture 133
Washingtonburgh March 7th 18th 1789.

Of Economics.

We come now to
to treat of what some call the adventitious states of man-
kind viz 1st The domestic or political state which however
may be denominated natural as well as the other because
men were made for society & all mankind except the
just receive their influence in the domestic state. The same
necessity likewise introduces the political state which to all
mankind is as natural as the other way man being born
in some political society as well as he is born a member of a
certain family Economics describes the nature laws
& duties of families or domestic society. . Man confi-
dered as an animal was designed to continue his species
as well as the others but as the possession of reason & many other
particularities essentially distinguish him from all the other
species of Animals it will easily be found that he can-
not continue his species in ^{manner} ~~the same~~ manner as the
brutes the creature of sexual-

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attraction which is the intention to propagation provided
by nature is in Brutes merely temporary
& in many species annual coinciding with a particular
season of the year when it has found its purpose it immo-
diately ceases at least after the young can shift for themselves
& in some species before that period the breeding pair know
no further attachment to each other & become strangers.
but as by the law of nature the infancy & helpless state
of man is of long continuance & necessarily requires the
help of both Parents if the principle that brought man
kind together were of no more strength & continuance
than it is in Brutes. the young in most cases
young in most cases would perish for want & the few
that survived would have a multiplicity of difficulties
to combat in their tender age without guidance & as-
sistance while the powers of their reason were but imperfect-
ly unfolded & their reason too weak to be of any use to y^m.
The consequence in that would be that all the human
progeny would die young or later before arriving at the
year of maturity & the whole species would be extinct
at the end of one age but nature which does nothing in
vain & which provides for all her offspring according
to their necessities her ordered matters quite differently
in this particular w^t regard to the human species in y^m.

vigorous & tending to

the principle of fixated attraction is not only strong
to form a lasting connection being complicated with reason &
sentiment & sealed with the solemnity of a vow & contract
but it is likewise permanent & uniform not confined to
any season of the year or indeed to any period of life now
the strength & permanency of this principle in the hu-
man species clearly indicates a different disposition
of nature wth regard to them & the others & the difference
of disposition is exactly suited to the nature situation &
exigencies of each. The imperfection of the powers of Brutes
renders them incapable of permanent & lasting connection
& if such were necessary to the preservation of their off-
spring it would be impossible for them to arrive at matur-
ity for this reason their helpless state is but of short
of short continuance & they come in a little time to the
possession of all the powers of their nature but the cap being so vastly
different with regard to man the principle of union is accordingly
made more vigorous & durable in the human species being con-
nected wth reason & sentiment & with the laws of honor & justice be-
sides the nature of man is so constituted y^t even in the most ig-
norant & savage state he feels the force
force of this principle so far as to adhere to it in most cases
so as to continue his race & jointly to nourish & defend

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them in their tender years. The Union of the
Sexes which in Brutes depends upon grosser prin-
ciple, temporary & sensual is therefore by the destination
of nature connected with moral sentiments & election
in the human species Marriage is therefore the first
human society & the foundation of all others & consists
in the voluntary conjunction of an indivi-
dual of each sex for the purpose of mutual happiness &
comfort & with a view to the propagation & education
of children now this in the case of the human species
being necessarily the work of long time a temporary con-
nection will not accomplish them Marriage is defined in
the Roman Law "Conjunctio Viri et Mulieris"

A temporary or a transient appetite — or an union
formed on such a Principle could never therefore compass
the sustenance & preservation of the young of the human species
is through a long & helpless infancy many art & con-
tinuance as well as much strength & steady patience
& exertion an indispensable nursery for this purpose
to think of accomplishing it by different means
is only showing our ignorance of human nature

Accordingly it has been found by experience that even political
institutions adopted by evil rulers whether from prin-
ciple of charity or benevolence are totally inadequate
& insufficient to supply the want of parental care
Sundling Hospitals are only large
or burying places in which infants remain a short
time above ground before they are buried & we may
say of the best of these what the Poet in the fable
says of the den of the jack "Quia
me vestigia tenent amica de adversum spectantia
nulla rebor sum". Multitudes are daily carried to them
but few come out alive or ever arrive at maturity before the
progeny of transport & casual connection among infelicity
without parental attachment have no motive to gain a
character nor person whatever whom it is of importance to
them to please others having no motive of duty become
naturally the slaves of selfish appetite & of the few
Bastards that are not pardoned or cradled the greater part
are cut off by the hand of justice so that society is neither
enriched nor benefited by children propagated in this manner
It is calculated that out of 20 bastards that are born some one
lives to 3 years of age & some one in 30 ever arrives at maturity
being suckled with grief & shame by their parents

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as the monuments of their incontinence & folly or forgotten by
altogether — & abandoned to the cold embrace of
common charity. The greater part are starved in
cold unattended while they live & unbemented
— when they die on the contrary legitimate children
a living pledge of the mutual love honor & fidelity of
their parents are cherished by them with pleasure & tender
sympathy & with the just dawning of sensibility
— begin on their part to discern & return the smiles of paren-
tal fondness in the face of their mothers & fathers

"Muli parvi per res dignosce matrem
"

Virgil who studied nature so exactly was exceedingly
well aware that the affection & care of Parents was abso-
lutely necessary for education — of children & therefore
contented to acquiesce that no children on whom their parents
had not smiled viz that ~~no~~ bastards the offspring of va-
grant lust & transient connections would ever make a
figure or be esteemed in the world accordingly ancient
History furnishes us with numerous examples of persons who
saw their ruin by their own bastards. List of exorbitant
of it sort — — — that was arrived at home &
dependence were in those nations where concubinage was allow.

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is a bastard, manifested with a degree of tenderness
in after times may even in Spain where bastards may in-
herit by law & Humblings are

Just that come to maturity
is still power to defend or assault. The care & attention
as well as the affection of both parents is necessary to the
advantageous & proper education of their offspring that no power
damning whatever can be found fit to supply its place when
care of one or both parents is wanting accordingly marriage
is a natural
educ & the actual continuance of the human power to the
present time is a proof that it must have been from the begin-
ning. There is no probability from history or tradition that
any tribes of men ever lived & propagated like the beasts of
the forest. A State however to which all our modern impostors have
conspicuously laboured to reduce all mankind notwithstanding
its pretensions to humanity — & benevolence but
supposing there was a state in which marriage was dis-
tinguished

chiefly property & fertility & the race of mankind
must soon fall altogether when lawful connubium is neglected
& superfluous & undistinguishing Lust indulged. The Romans
by the time of Augustus were become a nation of debauched &
bawdy Profligates & the most part of the numerous transitory
connections they formed — rather tended to augment
the afflictions than to increase the numbers of society.
Augustus therefore made laws for encouraging matrimony

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The Roman Empire would have
been soon extinguished if the number of their citizens had not
been increased by the manumission of Slaves. The communica-
tion of the right of Citizenship to foreign nations
There was so many of the Gauls & Ger-
mans made citizens of them by the Emperor Claudius
that Seneca says that there were only a very few of those
nations that were not Roman citizens or as the business
of hunting Wild beasts & Laceras was become a common
trade in the time of Augustus the number of
of unarmed people must have been very consider-
able. Cicero is said by some to have established the consti-
tution of

leader of the Colony that
founded Athens he only discouraged Polygamy to which
he thought as coming from the East had been formerly

Polygamy is evidently an abuse of
marriage & an effect of Exorbitant Lust as well as of that
Tyrranny exerted over the female Sex that still prevails
the East. It is probable that Tyrranny was introduced into the
world before polygamy became common & that the last of
these were consequences of the first as the story of Lamech's
two wives is mentioned as a
singularity even in the race of Cain. After men began

to exert violence against one another it is probable that
the female sex being entirely dependent would fall into
that slavery from which on the ^{other} part of the world
they have never yet been freed besides Polygamy has never yet
any country without the institution of Eunachism a vio-
lation of the natural rights of mankind which was
found necessary for the supporting it one error naturally
leads to another thus Slavery & Eunachism accompanied Polyga-
my & concubinage & in all the Eastern nations civil society
is to this day supported by a constant violation of the
rights of nature in one sex altogether & in great num-
bers of the other

Lecture 134 Friday 4th of March 1799.

Monogamy is the union of one of each sex in the institution
of nature & cannot be generally violated in any country with-
out other violations of natural rights accompanying & supporting
the violation of it — Population has uniformly languish-
ed whenever Polygamy was established & in all nations where it
prevails an artificial recruit or annual importation of inhabitants
has always been found necessary accordingly —
The Turkish Empire is annually recruited by
great numbers from Poland Lingula Persia & Georgia
in the East & Persia imports Chinese as an annual supply
of people from the same countries when domestic at first

collected his band of cow thieves & robbers into his
assembly he soon found that they could last but one
age having no females among them that they were
a populus variorum as Horace calls them & therefore
he provided them with wives by the rape of the Italian
virgins an expedient natural enough for those who had
got all they had by robbing at the same time this ex-
pedient indicated the great audacity of these people & the
ill reputation that they had among their neighbours
Polygamy being one introduced by Tyranny women
timid by custom another sort of Tyranny & men of
wealth in the pastoral age entertained a gluttony of wives
being enabled by their wealth to support them & their pos-
sessed as the number of males & females that are produced
have always been so nearly equal to each other it has
never been in the power of men to render Polygamy un-
equal even in those countries where the importations of
female slaves is a common trade The far greater
part of mankind from necessity if not from choice having
uniformly adhered to the original institution of nature
why all the calculations of the numbers of mankind
that have yet been made about 10 females are born

into the world for every 19 males which renders Polyga-
my impossible for want of a sufficient number of
females. The male sex being exposed to extraordina-
ry ravages & diminution from war navigation &
painful drudgery from which the female are exemp-
ted is accordingly produced by nature in greater numbers
than the other sex yet this excess of the number of males
above that of females is so small that it is manifest
that nature intended an equality of number in each sex.
Universal Polygamy is therefore so far from being the inten-
tion of nature that nature has rendered it absolutely im-
practicable & of the male sex were not liable to extraor-
dinary diminution from the causes already mentioned one
man out of every 19 would necessarily be obliged to live sin-
gle for absolute want of a mate so far from being
practicable or from being the intention of nature that one
male should have several females. Savages practice poly-
gamy only in proportion to their means of subsistence
& to the gradualness of the institution of slavery among them
but even savages for the most part practice monogamy
in obedience to the intention of nature as well as all
nations that are properly in a civilized state. The cir-

circumstances in which mankind are born must necessarily be of the highest importance to them not only with regard to their education but likewise to the principles & views with which they set out in life. The impetuosity of human nature for so many that even in the most advantageous circumstances without all the help of good education & example it is very difficult to exalt them to the pursuit of virtue & excellence - what therefore must be the case when they are educated in the lowest & most vicious habits & have never enjoyed the benefit of a good example. The strongest constraint & coercion & the severe discipline of a ship of war have often been found necessary to give some ideas of order to those youths who have been spoiled by neglect or by excessive indulgence by the roman law a bastard was declared to be filius nullius & he was not subject to the power of his parents as other children were nor was he obliged to maintain them if they fell into indigence though he were well able to do so a bastard likewise could not inherit even by the will of the father to the prejudice of his collateral heirs & could only receive a legacy or inheritance with a stranger. all nations where

property & laws of Pampers are established & ex-
act again in some instances ground by the same rule.
without matrimonial fidelity no man could have any
certain knowledge of his own origin which knowledge
however is absolutely necessary to excite his tenderness
& affection Polygamy therefore cannot be the intention
of nature both because it is impracticable for the whole
sexes & likewise because if it was both
sexes would have an equal title to the benefit of it. The
male can pretend no right except that of violence to inter-
fere several females confined by their tyranny & contented
to share only their transport & divided favors while the
females have no liberty of choosing one in marriage —
besides polygamy naturally produces infidelity which begets
jealousy & makes way for Eunuchism. Vast multitudes of
wretched slaves were mutilated in early youth in order to
watch over the females of a jealous despot & such as
wanting the tenderness of nature were considered as most
safe & faithful servants. being wholly devoted to their masters
they were commonly entrusted by the Persian monarchs with
the most important affairs & ruled in all the courts of
the East as well as those of the Roman Emperors in
the decline of the Empire they were commonly the

parents of their masters & then have behaved to be pur-
chased with money by any one who had any favors to
ask at court. Plato in forming the idea
of a perfect government proposed that all the women should
be common to all the males in order as he imagined to
prevent jealousies quarrels & competitions. But Plato is
not the only Philosopher who has endeavored to counteract
the maxims of nature in order to support the errors of
a most wicked system. The members of Plato's com-
mune were supposed to have been Bred in order to have
submitted to this vice - in violation the prin-
ciples of nature as well as those of friendship
& honor must be wholly extinct before men consider
nothing except difference of sex in the persons to whom
they are united. Even the most abandoned debauchees
who have done their utmost by permissions left to
the study of impudic authors to destroy the sentiments of
nature within themselves have notwithstanding never been able
totally to extinguish the sentiments of delicacy & propri-
ety in themselves nor to reach respecting them
in others. It was Mr. Burne who said that female impu-
dency when hygienic was a small matter & when unknown
was nothing yet if any one had insinuated that his mo-
ther or sister or any other female relations were common

whom even he would have considered it as the high-
est affront. The fact is that these infidel writers neither
do nor can believe those assertions which they pub-
lish to the world they make laws which they pretend
to be the laws of nature for the benefit of themselves
& their friends only but never intend or can endure that
others should take the same liberty at thus exposed they
pretend indeed to have a right from nature to live like
the beasts of the forest. By violating or seducing all
the females that come in their way but at the same
time they expect that their own wives should be chaste
& that their daughters should be educated in principles
of virtue & duty which is superlatively absurd if
there were any truth in their principles or even if they
believed them to be true the real practice & remaining
feelings of these men which they themselves have been un-
able to conquer by profligacy & infidelity afford the
most substantial introduction of their professed prin-
ciples & opinions they teach openly that marriage is
a violation of the rights of nature & the effect of super-
stition & craft & that the union of the two sexes
ought to be subject to no laws except those of

mutual comfort but of any person should take
the liberty of whispering the very same doctrine to
any of these female relations they would challenge them
to a duel & treat them as an enemy to the civil
rights & peace of society though he was only follow-
ing their own explicit direction & example Plato seems
to have expected that all the children that were pro-
duced from the transient & promiscuous connections of
the members of his lustful republic would be now-
captured & educated by the joint labour & care of the
whole community from mere swarms to the laws &
that each of these children of the public would find a
father in every member of it as he could not know
that he was not his own! That where is the man who
would acknowledge such indifference or who would con-
sent to labour for the support of a multitude of children
in whom he knew of no property that he had more than
all others? many men find difficulty enough to comply
with the call of nature in labouring for their own acknow-
ledged property & are often exceedingly negligent in perform-
ing that duty but what would be the case if they
had reason to think that those children whom they
laboured to support were none of their own.

Nature has not left the propagation & education
of the human race to ^{uncertain obligation} the full & off Laws & political
institutions but has much more firmly grounded for
it by the passions & the very constitution of the nature
of every individual so that even the most debauched
& abandoned men as has been shown already are
naturally able to moderate their original feelings.
We are told by Justin that during the Messenian
war when the Spartans were debauched many years
from their wives they sent home a large party of
young men to whom they delivered up all their wo-
men promiscuously in order to continue the race of
Spartan citizens. There was a truce of policy over na-
ture that happened only once but nature triumphed
in its turn notwithstanding that the Spartans
are represented by some writers as not far from Plato's
sentiments on this subject the children that were pro-
duced by these eager & promiscuous connexions were now
reared with care by their mothers in obedience to
their husbands by whose command they had produced
them but when the husbands were returned from the
war they could not with paternal delight these bas-
tards though together by their own express desire.

last drove them out of the country to seek a settlement for
themselves accordingly they marched into Italy and the
conduct of Pha when they founded Maritum -
Some writers have represented the Spartans as having
their women in common according to Plato's inscrip-
tion because they ordinarily ^{children to} be educated in the public but
thus will know history & the exactness of genealogies
in Sparta as well as in other states sufficiently evince
the vanity of such traditions. our modern infidel
writers are very zealous to have it believed that the
ancients lived in a licentious & abandoned man-
ner as they do themselves & therefore what we
find in their works should be carefully compared
with original authors Plato imagined that all
the mischiefs occasioned by avarice & pride
having a regard to one family would be obviated
by the commonality of ~~racem~~ ^{racem} & the instability
of their power but he did not consider that human
nature behaved to be moved or made over again
after a new model before such an institution could
be reduced to practice

Lecture 135 March the 20th 1799.

Propts of Policy that should the feelings of human nature might be treated with atherness & which we consider the circumstance is not to be wondered at that Dyrant the Tyrant of Scythia though his humanity could not be very great absolutely refused to grant Plato any city of his dominions or any estate in the mediterranean sea in order to realize his favorite project. The Tyrant had probably not enough to defend that Plato's scheme was entirely inconsistent with human feelings & that it would have only procured a part of his subjects to have granted his request no laws or regulations whatever could have such influence on tender persons who are uncertain of their offspring & consequently in that natural affection in the least solutions to take care of the young before. Polygamy is fatal to domestic happiness & mutual affection as is evident not only from the nature of the thing but from the history of all ages we need only refer to the families of Jacob in the Holy Scriptures. The example of the two wives of Abraham cannot be pleaded in

to pass beyond the Dougamy in that though con-
fined by the wife for some time and at her
death the influence of the Elector of Saxony in the
days of Poland that of Louis infatuated & that
of the Russian King of Prussia are singular pha-
nomena from which no general inference can be ad-
duced but it is universally agreed that the Ha-
zards & Perils of the East are the abode of vi-
cious despotic & tyrannical & cruel. The inconve-
niences experienced in Mongomy are such as may
be avoided by a prudent choice or endured by ordi-
nary patience but those from Polygamy arise from
the very nature of things & are fatal to the welfare
of society as well as to the happiness of the mar-
riage state. "The first law of the matrimonial soci-
ety is that the woman be faithful to ^{the man and copulate} with no other."
It must evidently be the greatest injury to impose
upon a man an adulterous & criminal offspring to in-
herit his estate & to subject of that offspring what is
due only to his own issue. The 2^d law is that the
husband should be equally faithful to the wife
as it is directly contrary to natural equity that the

rich conjugal affection call her case a fortune
that be entirely devoted to one man & his off-
spring while the affection of the husband is inter-
rupted by a dissipated among several women &
their children & his fortune in other manners those
men therefore who practice Polygamy not only injure
their wives by making a very unequal return for
the affection which they demand of them but they
also injure other men whom they deprive of their
natural right of having mates by engaging a num-
ber to themselves. The Polygamist likewise very ill
consults ^{his} own case because a man may be very
fit to govern a very large state who would not with-
standing be quite unable to compose the quarrels even
of two contentious women who had each an equal
right to his protection & affection Solon who was in-
genious the wisest of men was neither wise nor hap-
py in the article of marriage out of a thousand wives of
one sort or other which he had before him not one like Athens
nor was it possible that it could have been otherwise accord-
ingly he is very eloquent upon the subject of breeding &
contentious women & concludes that it were better to have

dwell on a wilderness, or to be plagued with them
& it is probable that he did not need to go farther
than his own family for the original fresh about freedom
The 3^d Law of the title of matrimony that married
persons should by a perpetual union of interest to pursue
conjointly good of their family & chiefly the right education
of their common children & the improving their condition as
they had opportunity. The union of affections interests
& rights which is constituted by the matrimonial rela-
tion suggests a comprehensive of respect to the married
couple viz the interest of their family in which their
common well fare & reputation is comprehended. Mar-
ried persons should have no separate interest. The law
considers them as one person or ^{each} heads of families depending on the
other. The 4th Law of the matrimonial state is that
the wife should be subject to the authority of the husband
with whom she has pledged her faith. The marriage
state cannot be supported in the form of a free republic
but must have a decided authority & determine
differences in opinion. It must therefore be a monar-
chy of female & gentle hand as the monarch is deeply
concerned in the honor interest & reputation of the subject
& she is mutually interested in her well fare & reputation.
We therefore erroneously imagined that no proper ~

power or right of commanding is vested by the law
of nature in any of the parties & that such a pow.
is quite improper to that under a system which is the
ferry & support of matrimony but he does not con-
sider that no society whatever small or great can
exist or be governed without a supreme power or other-
wise differences must be perpetual & all business
cessantly stand still an attempt indeed was made
in this country to unite 13 sovereign states in one
confederacy without any or commanding
power whatever the congress having only the power of re-
commendation but experience has demonstrated that
the plan was superficially stupid & irrational & useless
the defense of all foreigners & even also of ourselves & many
of the projectors of this wonderful confederacy had time
at last in their anxiety adopting Mr. Hutcheson's
plan & examining all powers & command over their wives
they might perhaps have come to be convinced very
soon that this plan was irrational & defective &
could never decide one single question what indeed has
been the last creation has formed the man for au-
thority & being clothed indeed with tenderness & at-
tention for the female sex & particularly for the person

when a man chooses he must be the fittest person
to govern Council & command are the right of
the wife but still in a confidence with submission
to the authority of the husband & the use of these
rights accompanied with prudence & tenderness &
submission will give her a sufficient share in the
government of the family Some women by using these
means in an artful manner have governed their
husbands all their lives without ever letting in them
the least of it. A husband is possessed of magnanimity
& a love of justice & in benevolence he will choose
to govern mostly by persuasion & not make use of
authority except in cases of extremity. Some women pretend
to their husbands with soft all a grace & worth so much
engaging & lamentation as obliges the husband to give
even case often to reverse their orders & submit to the
wife's intimation that she may be kept in good
humour such women abuse their ^{husbands} liberties & invert the
order of nature by murmuring at lawful authority
& obliging their husbands to submit to their will for
fear of their bad humours Juvenal in his sixth sa-
tires has some terrible pictures of wives of this descrip-
tion. The authority of the husband may be -

maintained in a perfect consistency with tenderness &
friendship & ^{matrimonial} implied in ^{matrimonial} relation. Besides as to a
matter of necessity it needs no excuse. There must
be a dispute & give me power in every party otherwise
it must come to an end in the very first difference of opi-
nion that takes place among the members & even Mr.
Whitaker is obliged to own ——— that the busi-
ness of a family without those being generally most
important is most proper for the man & that all con-
cerns within doors ought to be left to the management
of the wife but a divided sovereignty is as disagreeable
& pernicious as a disputed one. It would be found to be
extremely bad for two independent supreme powers to
live alternately in one another's dominions & confirmed
often over when it would be exceeding difficult to make
distinct limits between them to the satisfaction of each
party especially when there was no judge to decide the
matter. It is truly astonishing that a person of Mr.
Hutchinson's ^{known} ~~not~~ abilities should not have been aware if
he was contributing ^{matrimonial jars} to make ^{matrimonial jars} differ-
ences & quarrels by removing all possibility of deciding
them of his decision should have been adapted. It is very
happy indeed that most married women do not com-
monly read systems of philosophy of Mr. Hutchinson

would be pious of having all the women at least on
his side & most sanguinely attached to his system -
a ~~citizen~~ ^{citizen} of very simple manners who doubtless had
served under Mr. Huchens in exciting a country couple to their
duty upon occasion of their marriage more than 30
years ago happened to adopt his system with-
out knowing of it & being a lover of justice he took
occasion to tell them that the party which had most
wisdom ought uniformly to govern & the party who
had less ought always to submit to the party how-
ever disposed in the condition each imagining that
they were the wisest of the two but as that power was
^{known they have ever since} not fixed at ^{it} ^{has been disputing} which of them is the wisest
but possibly have not yet been able to determine the mat-
ter neither of them however were much obliged to their in-
finites who ought to have told them that the man
behold to govern an established & decided authority
therefore is necessary in every family to determine differences
& to prevent ^{quarrels} from being perpetual we shall see by & by
that this is a good a political as it is a good economical
maxim Therefore is well suggested by ^{Shakespeare} a hus-
band will meet with more respect from his wife when
she knows that he is immovable than when her
importunity can make him do what she pleases
Accordingly in the earliest ages when husbands maintain

ed their gravity & authority there were never thought
of. Then listen the modern age of complaisance &
gallantry the matter is become much more delicate &
wives are so apt to rebel we find in the history of
monarchical governments that the mildest & most
condescending princes have uniformly been worst
obeyed & that those who acted with more firmly
found a ready complaisance with their orders. The
same observation may sometimes be applied to fa-
miliar mankind as well as women but are more tied by
fear & tenderness much less influenced by gratitude than
they ought to be on the other hand an overstrained
authority extinguishes all respect as too much famili-
arity & condescension often merit contempt. It is very dif-
ficult in many cases to hit the exact middle between
these dangerous extremes when a husband once suffers
his authority to be dissipated it is not very probable that
he will preserve it much longer. Some wives are apt to abuse
their right of remonstrance & against all good manners
& authority to argue cases over & over again that have been
already decided every day of their lives when this is the
case the husband has little prospect of peace & his
authority is at an end for ever so when he cannot
impose silence on his turbulent wife he may expect to tomorrow

"intemperate sleeping" - & that she will now have
done telling ^{him} his faults as long as he lives a Roman
Catholic confessor once a week a married man ^{who was} her constant
visiting he had so often beaten his wife. I have observed
says the Philanthropist all your suspicions of late that
this is always your last article. Matthes neglected the
penitent I am extremely apt to forget my sins but when
over I beat my wife ^{little} he tells me them all over distinctly
& then I immediately hurry away to confession be-
fore they get out out of my head again. Matrone
mat. Wraahs are like sedition in a state they threaten
an anarchy and extinction of ~~the~~ of authority &
when they are suffered to last they extinguish affection
& put an end to all the duties & all the pleasures of
the matrimonial state a married couple in London hav-
ing been for some time in this way & being yet young
were willing to put an end to their daily disputes the
it even by way of lottery if they might have a prospect of
~~quarter days for~~ ^{future} ~~future~~
after several methods had been proposed & rejected they a-
greed at last to go & hear sermons at the nearest church
the ministers of which neither were acquainted with &
that they should be determined by what he delivered
in his sermon if they found it related to their case they
went accordingly to a preacher having chosen a text contain-
ing the duties of married persons handed him such a man

now as was not John Hyatt's to either of them. Therman
imagined that the wife was acquainted with the preach-
er & had ^{some} ~~had~~ ^{drawn} some of them to heart on purpose to con-
demn his conduct & justify her own & the wife was
not so firmly convinced that the husband was greatly
acquainted with him & had got him to grant that per-
son against his will. However Sunday Preacher en-
ter would go to the other by way of a left hand
they agreed to open the books of dominion ~~and~~
at random & be determined by a just sentence of ^{the} ~~the~~
^{most} ~~eye~~ whether their differences were now to be ended or not
but unluckily the passage happened to be the end of the
Doxology. It was in the beginning so it is now & so it shall
be forever more. That matters were as bad as ever -

Lecture 136th Monday the 23^d of March 1809.

The fifth law of the matrimonial society is that
the bond be perpetual to end only by death. This is absolutely
necessary in order to make matrimony a state of friendship
and in general for the right education of children who are
imprudently born for a considerable part of life & this lasting
duty or charge is imposed by nature on both the Parents
of the bond were not perpetual the most profitable confi-
dence must naturally be expected fraudulent man-
agement

marriages would be made with a criminal design of breaking
the contracts. The Parties would be rendered miserable
as the female partner at least would have thus many complications
by being incapable of acquiring new connections. Children would
be neglected or abused by the introduction of new fathers or mo-
thers or might be defrauded of the inheritance of their parents
by leaving them in their tender age nay children might be
said often to want legal Parents altogether by their be-
ing born at such a time when it was entirely doubtful to
which Parent they properly belonged. Lustful & capri-
cious men & women would be constantly eager for new matches
quitting their former partners with as little regret as one
would do a pair of old shoes to put on new ones. In short
almost as many inconveniences would result from this me-
thod as from the abolition of matrimony altogether. and the
other hand sh^d. that are joined in a perpetual bond ha-
ving too other object in view than that of continuing to-
gether for life. Their differences are rendered much less violent
& reconciliation far easier produced but if the way were al-
ways open for a separation every difference might be fatal
to their union & quarrels might be extended on purpose
by designing parties in order to bring about a separation

The Roman Catholics have endeavored to confer all
possible solemnity on the marriage contract by mak-
ing it one of the sacraments of their Church & declaring
it indissoluble except by death or by a divorce obtained
upon just & canonical grounds. When Mr. Pope
had heard that his friend Mr. Wetherly had married
his own housekeeper on his death bed after having re-
ceived the sacrament of extreme unction he congratulated
him in a letter which is still extant on his exact
obedience to the rules of the Catholic Church whether
the enumeration of the sacraments in their
scriptural matrimony in the last place after extreme
unction as a hint according to him of the proper order
in which these sacraments ought to be taken but
Mr. Pope himself did not even take it in this order
for he died a Bachelor — Swives were indeed
indulged to the Jews in order to preserve the women from
the fatal effect of the choleric temper of their husbands
accordingly we are told in the new testament that the
power of divorce was permitted them on account of
the hardness of their hearts & not that it was agreeable
to the natural inclination.

to the law of nature or conform to original ^{institution} matrimony. The civil temper of the Jewish nation makes a very conspicuous figure in all the parts of their history. In the very small country which they inhabited they made no less than 6 cities of refuge for those who had slain their neighbours in sudden passion & if they had not been allowed to divorce their wives when angry with them perhaps even 40 cities of refuge would not have been sufficient for them. The bloody designs of the sons of Jacob against Joseph that were founded only on a ~~dream~~ dream & his change to them afterwards not to sell into slavery the way. The stern cruelty of Simeon & Levi the desperate & exterminating war with the tribe of Benjamin may the whole of the Jewish history be a history of the siege & destruction of Jerusalem witness their hatred & mutual resentment. We know of no thing that we find among us nations. Milton in his Tetrachron endeavours to establish incompatibility of humors in the parties as a valid ground of divorce & being an ingenious & learned man he was able to adduce many strong arguments in support of

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on admitting the force of Meltons Argument
that no marriage whatever could be of any continuance
if a wicked man or woman might be divorced
when they please & be divorced by ^{of both}
parties would otherwise - abound & thus of all
others an onset upon as well as most likely
to grow the vice of temper can be such as to
amount to an Error persona which in the opinion
of all lawyers & casuists is sufficient to void a
marriage contract. If any of the parties before
marriage give a false account of their name
family or estate this voids the contract upon
the plea of fraud & makes a difference of the
person. The party who is divorced & contented may
indeed charge this nullity but if the offended party
insist for divorce it cannot legally be denied. Our mo-
dern infidel writers who in every particular encourage
the looseness of manners content mightily
for divorce being made easy & that marriage
contracts should be made only for a short time. In
this no doubt they fulfill the will of an offended

as much as when they condemn marriage altogether
but in our higher degree we have hinted already at
some of the inconveniences that must necessarily follow
on the arbitrary dissolution of the marriage contract
which we need not now resume. In forming gene-
ral rules the common interest of society & happiness of its
greater number is certainly to be consulted & although
some particular persons should think the expense too great
unhappiness it is much better that they should endure
it patiently than that the happiness & security of the whole
society should be endangered for that particular case & con-
venience. The interest & education of children the honor
of families & the laws of succession &c especially require that
the contract should be for life whatever inconveniences
may take place in a few particular cases the con-
templation of their behavior as before hinted tends to mo-
derate the passions & differences of Parties & when
a contract is to be made Prudence requires that
all the possible inconveniences of it should be
weighed before hand; but not that contracts should
be broken on account of inconveniences that ought
to have been foreseen & provided against the law -

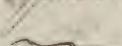
impose upon none as every one enters into this
bond with a full knowledge of its nature &
duration & if they enter into it impudently it
is entirely their own fault. It is a wise maxim
in the Roman Law "Nulla impudens matri-
monium contrahendum esse non debet contrave-
niri" After the Business of the parties before
entering into the matrimonial contract to disco-
ver & weigh every circumstance that is of impor-
tance to them & to be prepared against all possi-
ble consequences the Law only maintains the
sanctity & obligation of the Contract & binds
the parties to keep it unless in those cases in
which the Law itself has declared that the con-
tract shall be set aside but with regard to those
inconveniences which it was the Business of the
parties to provide against the Law refuses to
remedy this want of Prudence & will afford you
no relief The impediments of marriage
are either such as are deemed to make the con-

tract at first void or make it void
after it is entered into. Some of these are natural
or some of a moral kind. The first natural
or legal impediment of marriage is frigidity or im-
potence which renders one ^{party} unfit
for procreation & in this
defect of such a kind is cannot be discovered
by the parties before the marriage the law of all
countries in conformity to natural justice uniform-
ly grant a divorce as soon as that is proved. He
who is so as a fraud constitute injuries though
when these intervene in the making of a mat-
rimonial contract they are just reasons of divorce
besides when any thing that is necessary for
both parties to know & which if known would have
been a legal impediment is concealed by any of them
till ~~after~~ after marriage this as soon
as it comes to be known renders the marriage void
& fraudulent at initio & consequently is a legal
cause of divorce. we shall afterwards have an oppor-
tunity of treating of contracts made by force
certain grievous disorders or misfeith & inura-

the disease that are inconsistent with a soundly
society & exclude all hope of any offspring that
can be expected to live are likewise properly reckoned
among the physical impediments that void the
matrimonial contract. Cancri Scrophuly, cutis
Ulcus — a convulsion belong to the class where
the ends of matrimony cannot be obtained the
contract is merely fraudulent & illusory & ought
to be avoided whenever this is discovered. The marriage
of diseased persons to those that are in health
may in fact be resemble the cruelty of Agrippina
in vestig "mortua"

"Compensatio maribusque maribusque auctor ora
" genus " Infamy & Potestas

are of the same kind as implying the want of force
& consequently the want of consent for it is a maxim
of nature & of the civil law "qui non sentit non
consentit" Very advanced age a infirmity may
appear to be a strong impediment to a marriage
with another in the bloom of life as this is con-
trary to nature reason & the ends of matrimony

but avarice has often made & will make many
such matches. The story of January or May is
Mr. Pope has modernised from Chaucer represents
only the natural & probable consequences of such
such irrational & unequal motives, extreme youth
in either or both the  the parties is likewise
a physical impediment as well as great inequality
of age. Marriage being a solemn contract & destined
to last for life ought not fairly to anticipate reason
or the capacity of Prudence which is sufficient
to deter them in entering into it with

The age at which males are declared capable of en-
tering into matrimony is according to the Roman
law that of 14 years & females are deemed marriage-
able at 12 but these laws though blindly adopted by
most modern nations from the Roman law ap-
pear to be very ill chosen & much too early for
entering into such a contract as matrimony &
very many unhappy & ill-assorted matches have been
made in consequence of this rule by the parties being
under a proper age. The consent of Parents or guar-
dians cannot fairly supply the wants of personal

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prudence & natural capacity of choice; but as ma-
trimony is a contract which is made in the first place
for the happiness of the parties & only secondarily
for the advantage of those concerned.

They themselves ought chiefly to be consulted & also in
early years of presumed puberty I cannot be sugge-
sted that they can give a consent but that is pro-
bably rational perhaps some physical reason but
much more probably ignorance & corruption of man-
ners contribute to fix the year of puberty so very low.

The age of 20 or 21 in each sex would have been a
much more just & natural standard of Puberty
There is a maturity of mind that is requisite for entering
into a matrimonial
contract as well as of the Body & therefore ought to
be waited for — Boys & Girls of 14 or 15 years of
age ought not even to be permitted to take of marriage
It is to be thought of entering into that state —
& very good natural reasons may be assigned why
they should not. The children produced by very young
Parents are necessarily very feeble & the natural
growth of the Parents being stopped by immature
propagation very inconvenient & with consequent

the Bodies of youth may sustain ^{abuse} from ^{may} with equal
justice be apprehended from injudicious & early
marriage. It is therefore a more than ordinary
& manifesting with reason in the Roman law
as well as in the law of all those nations which
have adopted it in this particular that while the
age of Puberality ^{enjoy}
ment or alienation of estates are continued to 21 years
that with regard to marriage in which their
interests & concerns are much more important
than that of the right management of their
estate they should cease at 12 or 14 —
The Roman maxims with regard to the power
of Parents were very rigid & extended it to a
very immoderate degree but the imitations of
this practice suits very ill with those nations
it do not extend the power of fathers ^{much} so by a great
deal. It is likewise a great error to suppose that
females come sooner to the maturity of under-
standing than males. This indeed is an error
that is not derived from the Romans but

only erroneously imposed in order to defend and
countenance the imitation of their absurd practice -
The Romans expected that the matrimonial contract
should be a great increase if not altogether an
act of duty & submission to Parents and not a choice
of the parties entering into it & lived accordingly without
good matches among the Romans which we receive
from our parents & the spirit of the law of England
both before & since the marriage act is likewise very
favorable to this nation.

Lecture 137th Monday March 7th 23. 1789.

There are many customs in all nations which have no
foundation whatever in reason by which however certain things
continue to be done merely because they have been done
formerly Dr Swift ridicules the famous maxim "nolimus
legem anglicam mutari" "An excellent proof" in
giving an account of
a maxim says he among these people that whatever had
ever been done before might be done again without any
regard that it is lawful or just. Alluding to the nume-
rous precedents, statutes & customs that he distinguished
as "voluntaries" a part of the laws of England.

The moral impediments of Marriage are 2 - Prior
contract & consanguinity & affinity. As marriage is the
union only of 2 persons one of each sex. prior contract of the
same kind renders a person incapable of entering into
a new one. while such prior contract subsists which must
be till the death or divorce of the other party with whom it was
first made if two persons knowing that they were both enga-
ged in prior contracts of matrimony should pretend to enter into
a marriage it would be null & void ab initio & both par-
ties would be liable to be punished as guilty of adultery
but if one of the parties is under a prior contract & en-
ters notwithstanding ^{going into a new} marriage the latter contract would be
void ab initio & the offending party only who had concealed
his prior contract would be liable to punishment & payment.
The occurrence of cases of this nature as well as others which
could be mentioned immediately sought to be a part of the
law of all states & is actually a part of those of most
a few. That the name of the parties that are to enter
into marriage should be published for some time before
the contract is solemnized. In order that
innocent persons may not be entrapped & ruined by the
fraud of others who are already engaged in the marriage

contract of marriage. The power granted to the Bishops
especially by the law of England — of granting
licences for — for the celebration of matrimony
without publication of banns in the affidavits
of certain persons is very prejudicial to the public though
grateful to the official. The publication of Banns though
an imperfect method is yet the most effectual one hitherto
proposed for preventing fraudulent & unlawful marriages
especially those where one of the parties is under a former
contract the impediments arising from consanguinity or
affinity & not so distant all relations of every kind
appear to be prohibited by the law of nature from mar-
rying together — because the affection of parents
& children is quite inconsistent with that affection which
might be supposed between married parties & even kindred
in the collateral line ought to be prohibited to marry
because one is to be another in the place of a father
or mother cannot at any time be in place of a hus-
band or wife besides consanguineal intermarriage & familiarity
are incompatible with that reverence which we owe to
those that are in the place of parents & as to
the marriage contract is proper for extending amity

a good will it is better that it be contracted between the
members of different families than that it should be im-
ployed in uniting those who are already united by
blood. Besides it has been found that the offspring of the
marriage of persons already nearly related is very apt
to degenerate & the history of some foreign families in
which intermarriages of near relations have been very
frequent gives great countenance to this opinion. The
royal family of Portugal which is now said to exist
is a striking instance of the truth of this maxim by the
civil law marriage is prohibited to all persons within the
4th degree of consanguinity reckoning from one common ancestor
so that even german, a very second cousins are com-
prehended under the prohibition. The Moravian church extends
this prohibition to the 7th degree of consanguinity reckoning
from one common ancestor & moreover superadds the spi-
ritual relation of God-father & God-mother to the natural
one so that in two persons who have been godfather &
godmother to the same child can intermarry among y^{ms}
without a dispensation. The marriage of cousin Ger-
mans is all the degree better than an german in
most protestant nations because of this

The cause which annul or break off a valid mar-
riage after it is contracted ^{are first} Adultery which is a violation
of the essential articles of marriage & this has not
been the subject of any dispute. Some however hold that
even in this case the offended party may purge this
mortality by private confession but others maintain
the necessity of divorce. The canon law & even the law of nations
which determine that the guilty party should be punished al-
low the offended or innocent party to marry again ^{but refuse}
to if guilty or offending party the liberty of marrying during
the life ^{term} of the party offended. a late law &
the famous example of the Duke of Grafton ^{England} has ex-
tended the privilege of marrying again to both parties the
guilty as well as if ~~is~~ innocent which has
already occasioned great numbers of divorces in that coun-
try. It is however to be wished for the preservation of the ho-
nour & sanctity of marriage that neither Legislature
may adventure to imitate the licentiousness of that of
England in this particular. It was indeed attempted lately
in the state of new york but that assembly though
by a small majority allowed the privilege of mar-
rying again only to the innocent party.

Willful desertion is the 2^d moral cause that can vacate
a valid matrimonial contract. If any of the parties
willfully & without business or necessity withdraw from
the other & refuse to return the marriage is void after
the expiration of such a time as the law determines should
intervene before the notice given to the offending party
is the decree. In some countries this term is 3
years & in others 7 years an allowance to the husband
to be absent on necessary business without requir-
ing his wife but if he does not hear from him in
that time after some process & forms a necessary
order he may marry another husband. The dissolu-
tion of a marriage by adultery or defunct desertion
is a known crime against society & ^{ought to be punished} in another man-
ner than the law does. In the damages awarded
by English juries for criminal conversation are a con-
tradiction to common sense & justice on all public
justice as they hold out the ridiculous idea that
every married woman is only a licensed prostitute
with whom any man may converse with impunity
& that the law can only fix the price that he

is to pay for so doing Sir Richard.

in the Eye of Right fully recovered only
one shilling of damages on a case of the kind though
indeed it was a shilling too much as it appears on proof
that the husband was guilty to the crime of the wife
with a view of making her forfeit a considerable dowry
as she brought to her persons who have been guilty of adul-
tery & each other — are very properly restrained from mar-
rying together because it would tend prodigiously to the
increase of adultery & to the neglect & ruin of Children of
adultery could be the means of concluding a lawful mari-
age. Some think that persons guilty of Adultery —
ought to be obliged to many infamous person but mar-
riage is dishonoured by being instituted as a punishment
to which that free consent is essential to its duration
on the wife may indeed be justified by growing enmity &
& danger from her husband & a total enmity or conspi-
ring against the life of the other party might be a
good ground of divorce to either as marriage was
designed for the happiness of mankind & not for
their misery & destruction besides it was expressly
enacted that its ends cannot be attained when such

capital enemy & media has. Arabian place is on-
dangers the safety of the other early. "Unmolested
with me" infest radiendum off

Concubinage is only a concealed Polygamy & prevails
in the East wherever tyranny & slavery were established
by custom may — reception of female slaves are
ever entertained by men who have many wives & their
pregnant women slaves hence it is a maxim of the
Roman law "Partus ventris sequitur" The Moors
no doubt adopted concubinage from the nations of the
East though they never practiced Polygamy but the
conventions up which they made of the power of
men 700 years after the building of Rome when divorce
was first introduced among the Moors by Spanish
nobles who desired his wife for concubine but a law
the custom was once introduced it soon became common
for the most trivial cause in a group of ten. The women
acquired the same privilege — & could use the same
language as the men in the form of divorce which
was "Res tua stetit habere" but what form al-
most incredible is that women could be married
at one time to no less than 8 several husbands

without being subject to any punishment but any conjugal
affection is undoubted. These words no longer, he said
to be married women but some laws are fully as
bad as any custom which we have heard of
The Roman Catholics explain the words "the hus-
band of one wife" which are laid down in the scriptures
as one of the qualifications of a Christian Bishop to
mean only a church or benefice or they exclude their Clergy
wholly from marriage, ^{but the} Canon Law gives a surprising
latitude to that expression for it expressly declares that
if a man have more than 500 Benefices he is not
the husband of one wife in the sense of the church
but a pluralist but as long as he keeps within 500
members he is undisturbed in law to have but one
benefice & consequently to be the husband of one
wife in the sense of the apostle with the like exten-
sive charity & indulgence. The Canon Law de-
clares that a woman who has had to do with
more than 23,000 men is a whore which plainly im-
plies that if she has refrained her commerce
within that number she cannot be called just the

unvalued.
The conditions of matrimony have been various both
among different nations as well as the same con-
mon of contrasting it. Herodotus tells us that the
ancient Babylonians used every year to dis-
pose of all their unmarried women of a certain
age by way of vendue or public auction those
who were handsome were bought off to the highest
^{value} bidder & the money that was raised by the sale of these was
applied to make
the make portions to those who were not handsome who
in their turn were bought off to the person who of-
fered to take them with the smallest sum but
this institution supposed a very great defect in the
young women ——— to be married & very
much indifferent with regard to the person yet the
very manner in which the ugly part of their women
were disposed of attesting the form of an auction is the
very same with that in which people of fortune are
usually married in Europe where fortune is prin-
cipally regarded. The ancient Greeks did not practise
Polygamy & yet we are informed that Socrates
had two wives at the same time when Alisan-

der was in possession of Persia he followed of manner of it. ^{country}
by marrying several women & the famous Cato lent
his wife Maria to ~~~~~ Northerners & afterward
deaneth of his friend deat neither the nation nor
the use of Cato had any imitators by the instiga-
tion of Mahomet every muslim man or true believer
may have 4 lawful wives & mahomet himself had
no fewer than 10. married wives. have been ex-
empted from certain taxes in some countries & among
the Musmans those who had 3 children were exemp.
to some taxes But the periculum liberorum in the
the time of the Emperors was often given to those
who had neither wives nor children. There were 3
several ways of contracting marriage that were
accounted legal & in use among the Romans

The first of these
was the most honorable & consisted in cutting a
contracted cake into two parts which were given to
the parties to eat. The ^{second} consisted in giving a sum
of money to the father of it & the 3^d by an
illegal constitution from the parties abating
with each other for more than 10 days. Slaves were

~~Supposed to marry by the permission of the magis-~~
ter but the Roman soldiers had no right to marry
while in y^e service the Roman Catholics refuse y^e Clergy the
privilege of marrying by which means they are more
devoted to the Holy See and all the wealth which
they acquire remains in the hands of the church The
English marriage act is a ^{bundle} of inequities & absurdities
by which all marriages are voided that are contracted
by parties under 25 years of age without the express
consent of their parents or guardians & likewise annuls
all marriages that are made by any person not ac-
tually in priest's orders or when the same is wanting or
any of the words of ceremony prescribed in y^e Book of com-
mon prayer ~~~~~ are omitted. now to pro-
vide an ~ irregularity in the form of contracting
marriage by annulling the contract itself rendering
at least one of the parties miserable & the accumulation
of so many nullities is one of the common trans-
actions in human life & of so much importance to
the happiness of the parties under this act an
engine of prostitution & seduction instead of a law for
guarding the happiness of the citizens. The

(Nants & Roman Catholics)
Laws of Ireland prohibit all marriages between Protestants
an absurdity that may now be ~~be~~ executed to turn
mould when Ireland has obtained an independant legis-
lation. Second marriages were considered as infamous

The Statute has written against them
with great zeal a woman cannot marry twice in
England being obliged by law & custom to burn
herself in effamy if she live to her deceased husband
The Antients in general did not consider 2^d marri-
ges as honorable still, their manners became corrupt
some verged upon them. I do as resolved to remain
single in honor of Sethus his first husband.

Ubi nichil

Vel patet suspitione adlegat inful
Pallente umbrae ante noctem seu proferant
Atque quoniam te vultu out lus gura resolu.

The duties of married persons arising from y^e relation
contrast chiefly, in a faithful & constant affection
fidelity of manners & a prudent care of their
family watching against all temptation to in-
continence wrangling & mutual provocation in

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dealing with the weakness of each other & endeavoring to provide one another's happiness. ^{erecting a steady} All the virtues is necessary to married persons as well as others they ought especially to study modesty & calmness of temper in order to restrain both of the unfounded passions in the affairs of their family & the common accidents of life are apt to exult without these virtues a continual jealousy & commingling of all things can never be agreeable. The illustrious Philip of De Plessie & his wife have little abatement in their joint last will & testament declared that they had lived together in perfect amity & concord never had any difference during the long time of their marriage had subsisted, and have known of no other records of this nature more than 300 years ago Sir Philip Comberwell Dunne in Essex caused to be hung up in his great hall a picture of Bacon & placed his dependants to do the like to be ready at all times to / to any married couple

or minors that would declare upon oath a year & a day after their marriage that they had had no differences among them but it does not appear Bacon during so long a period as the institution

has taught men can be expected to perform the duties
of the married life with propriety & fidelity unless they
have been accustomed to live unbecomingly before en-
tering into that bond a fornicating Bachelor & a
flying couple ought to be married together that
they may not plague two different ^{masters of you} families because of
performing the duties of marriage to an innocent
& virtuous partner those who live unbecomingly before
marriage will in all probability live in the same
manner after it & it cannot ^{be otherwise without a miracle} because men cannot
change their inclinations & customs merely by
changing their state in life wicked men may
indeed persuade themselves that they can give over
their vicious pursuits after a ~~certain~~
certain time but such a consent is contrary to all
reason & experience All tried is just to a whom
menage says the son of Sarah & he will never
leave off till he dies Bagnant left a general
suspect of the sex excessively hardened the heart dis-
plays of delinquency ^{the taste} for a person incapable of real fidelity
& affection & generally very unfit to be trusted in
common life but far less to be trusted to for the
faithful performance of a matrimonial contract

The practice of seduction always & trains men to lying
luxury cruelty & every vice of the heart & not only wastes
of body; but debauchery of mind debilitates & understanding &
tends to extinguish the moral faculty according to
common allage "Femina corpus animam vana lumina
ma ~~~~~ vocem soluit annihilat necat eripit
est at acerbat" The habits of youth continue to appear
in advanced age & the ugly appearance of a lustful
old man is fully explained by his bad practices
criminal indulgences in youth That man can never
be true to one who has already cheated numerous nor
can he be capable of sincere love who has abandon-
ed & cheated all those whom ^{he entered & loved} that he loved Matrimonial pur-
suits is indeed the worst preparation for matrimoni-
al faith is exclusive attachment being naturally
a preparation for the contrary Horace flaccus notes
that from the time that a young dog has learned
to bark at a dog thief in the court yard he hunts
ever after in the woods

"Vonnatus in quo tempore

"Lababat in aula

The same in general may be said of youth when
they have once quitted the path of chastity &

obtain the first step may indeed be difficult & costly
but the next will be easier Men are from their place to
see by degrees as the fox in the fable did to the light of
the Lyon till at last they feel little or no remorse
but with all manner of uncleanness with greediness
Every

a partner ought to enter into the nation.
most state & to this he ought to be determined not only
by the affections of his Nation but by a regard to virtue
& to the public The marriage state is the state of rea-
son & designed for all men & no man ought to abstain
from it unless he possesses the gift of continence which
alone can make his abstinence from it innocent &
unless he is engaged in such pursuits or placed in
such a situation as renders matrimony impracticable
to him Those who remain in a single state & at the
same time live in profligation & seduction are the
pests of society & if Eunachism were permitted by
the laws castration would be a proper punishment
for such persons men of loose principles imagine that
they can marry when they please because they can
get a female partner of pleasure or other but they
do not consider that incapacity in body & mind is they are
augmenting in themselves by their daily ex-
cesses

after. In a short time indeed they have neither
health of body remaining nor soundness of mind
By following prostitutes they lose all esteem for vir-
tue & can value their partners merely for bodily
enjoyment. A debauchee is indeed totally incapa-
ble of truth & affection being practised in lying & seduc-
tion

Thus a man be as honest as a
horse or a goat that has lost a great deal of
that goodness of his nature & become entirely in-
capable of being either a sincere friend to a virtuous
man or a faithful husband to a virtuous woman. If the
females in general were so wise & intelligent they would
combine to refuse all ^{such lovers} whoremongers & bludge them for
want of others to marry some of those whom they had
seduced. If a man know for certain that the reputa-
tion - ofunchastity should utterly disqualify
him forever expecting an alliance wth any ^{virtuous} woman
It might indeed be some check to his unbecom-
ing inclinations but bad men have at last corrupted the
taste of the females & deprived them of very much
of that delicacy which is proper for their sex
merely by flattering their vanity & persuading them
that their charms have power to fix the most

that these shams have power to fix the most
wandering affections & to convert the greatest passions
to constancy. The females are often weak enough to
believe & do not find themselves deceived till their
case is without remedy they are then indeed ^{convinced} that the per-
sons they alone can spiritually convert a man
or restrain from his ^{former} worship pursuits young men ought
therefore to adhere to strict chastity & honor if they
were expected to be capable of matrimonial faith
and able to make
the address to a virtuous woman on an equal
footing. The suffering of women in a chaste life is
in fact much greater than any that can be ex-
pected in the state of matrimony & it is more
cowardice that restrains many young men from
matrimony they can not venture on a choice for life
pass y^r days in doubt
accordingly they quilt & hesitate. It is possible indeed
that they may not dream of that wanting cou-
rage but certainly a young man who has not
undertaken to marry may be lawfully suspected
of cowardice & has not as yet given ^{all the proofs} of courage of which
he is capable fear of want or fear of disappoint.

ment is certainly that which restrains him to
be unmanly in guilt only because he wants con-
rage to be virtuous." And he says:

Lecture 138 Tuesday the 24th 1809

The generality of married people soon become par-
ents & therefore ought to be acquainted with & prepared for the
duties of that state when they have no children they ought
to endeavour to be contented & as their cares & duties are
fewer they ought to study that they may be propor-
tionally better managed & attended to at the same time
they ought to be convinced that a childless state has been
found by the disposition of Providence to be best for them
& to beware of envying others who are in a different state from
themselves for which purpose they ought to consider the many
griefs which many other people endure from the death & suf-
fering from the loss of their children & that there are many
people that have children with whom they would not be
willing to exchange conditions & that for any thing
they know they might have been equally or perhaps
more unhappy if it had been their lot to have children

Those who are single have greater ability to be charitable
to do beneficent actions than those who have children
a man charity says Mr. Baxter cannot be expected to
water the Earth when it must first fill a pool. The greatest
Benevolent persons for persons says Lord Bacon have
been made by those who had no posterity. The persons who
have no children of their own have a delight in educa-
ting a large body of children they may suppose their vacant
hours & affections in the training up the children of the poor
or those of some of their own relations. Mitis in the charity
of Demos proves a kinder father to the son of his Brother
Demos though he had none of his own but his courteous
maxims of education & his indulgence to the vices of youth
are ~~not~~ ^{not} to be approved nor imitated. As the human off-
spring remain for a long time infants incapable of governing
itself & such the constant care of fathers both for its preser-
vation & instruction in those arts which are necessary for
life. Nature has plainly imposed this charge upon the Parents
by that singular affection to their children which she has im-
planted in them this affection indeed is not peculiar to the
human species even the Brutes uniformly take care of their

offering a gentle thrust to her own appetite as well as endangers
her life for thus provoked a cat will throw
herself in the way of the spaniel in defence of her little
covey & by counterfeiting the Camouflet ultimately
will endeavour to draw him away from her nest
& a hen though a timid animal will engage the largest
dog in defence of her chickens but as the affections of na-
ture in human kind are complicated with moral prin-
ciple & sentiments none can feel the natural affection in
its genuine purity & strength except those whose children
are produced in lawful matrimony. A forswearing Bache-
lor is a more beast of prey whom his crimes have de-
prived of all tenderness he can feel no more compassi-
on for his ^{small} surviving offspring than the Gracile or Alga-
tor does to the young of his own kind whom he devours
as often as he can come at them. The forswearing Bachelor
can stand unmoved & see the wretch hang'd whom his
own lust had impregnated & whom his pity & avarice
induced to despair & constrained to murder the fruit of
his own body to him therefore a parent's love & sympa-
thy must be forever unknown because he has rendered

himself incapable of matrimonial fidelity & conjugal
affection but pursues of honor & fidelity feel the strongest
attraction of parental affection to them this can be perceived
which to the eye of profigates appears contradictory & un-
-derstandable they feel & respect the order of nature & love them-
selves in their offspring on the contrary a whore-monger con-
siders his bastard merely as mass of crawling matter or
a noxious animal which he could crush to death with
his foot that he may not be interrupted in the pursuit of
seduction a few years ago a widow in this country destroy-
ed two person children in this manner for which to the
distinction of all law & the reproach of common sense the
unhappy mother an afflicted spectator of this tragedy suf-
fered death Had men design their lusts under the
mask of honorable love while there not design is death
& the destruction of the soul & body The mothers of slaves
who are generally far enough from being philosophers
can even an often themselves immortal in this way have
never yet attained to be honestly enough to despoil &
punish the original offender & true cause of the murder
of person children Such a reform is it now to be expected

must come from the understanding a juster affluence
generations. But the avaricious formator & his other
did parents are incapable of feeling the joys of
future of Parents a careful parent feels them in possession
& would not want the pleasure that he receives from them
for all the painful care & anxieties in which they en-
gage him he considers his children as a precious trust
committed to him immediately by nature himself & for
his management of which he is responsible to nature
& to his own feelings he determines his children the radi-
ments & first principles of human nature which he
suggests even
e he feels no other
bounds to what he is willing to do for them than those of
the boundless affection which he feels for them well as he
can lose his own rest with cheerfulness to procure theirs
& feels all their little complaints as much as the most
acute pains in his own body his infatigable exertions
did to his children & his exertions in such a manner of
the purest than if it were for himself. We shall
not attempt to describe the affluence of anxious & anxious
mothers who have often lost their own lives or ruined if

Jeds of mortal disorders on the course of watching
over them suffering a dying infant their affection,
are — lively & their wishes for the well fare of y^e
child are an warm & boundless nothing is so good for
them in their opinion & they would purchase their
life & safety at the hazard or loss of their own

"quod noceat dubi

"Quam sapere aucto

"Atque sit mundus vici.

In nature has provided for the care & protection of children
by means of parental affection those who do not feel
that can never perform nor even learn the duties of y^e
situation. The passions when not regulated by law are
much more faithful to nature than reason can be
as well as more uniform certain & permanent in y^e
effect. If we were therefore brassy to despise the duties of
a Parent we would despise them as comprehending
all those things that a well ordered parental affection
prompt to as far as is in their power but no succeda
num what ever can supply the want of this affection
a man must not think that he can be led to the
duty of a Parent by cold consideration & dry study

but only by the genuine feelings of human nature
he must not think that by reading Aristotle's econo-
mics or Xenophon's Oeconomicus he can learn the duty
of a parent nor must he imagine if by taking up of grand
Encyclopaedia & following the order of the Alphabet
of moral Science till he comes to the article of Parents
he can be qualified for the duties of that relation
on the contrary he must feel a conduct & sugges-
ted by his feelings in the exercise of his duty at the same
time these very feelings have most decided support
from reason he knows & is assured that he is acting
honorably & properly when he is following the intention of
nature & taking the strictest care of that trust which
God has committed to him he enjoys his own situation & wishes
even the pain to which it exposes him while his moral
faculty in the mean time fully approves of his con-
duct & he anticipates the pleasures which he expects
from the happy success of his endeavors
for this reason a person of good character & proper feelings
will not even be offended with the ravings & exorbitan-
ces of Cantabrigia as they bear such faithful

testimony of the right state of the heart "oh Absalom my
son my son oh my son Absalom would to God I had
died for thee oh Absalom my son my son" As nature
has imposed the care of children upon the Parents it
must also have designed that they should assume
all the power which is requisite for the discharge of
this trust & that children should be subjected to this power
while at the same time by y^e tender affection —
sufficient precaution is taken for children obtaining their
liberty as soon as they can safely & properly enjoy it & that
the power of their Parents will be exerted for their well-
fare as the happiness of their children is that point in
all good & rational Parents are most anxious to ob-
tain. The degree of wisdom & rational affection in every
individual parent is the measure of nature's kindness
for the child tho' there are very few things in w^e
children are more prone to mistake than in effect.
making the kindness of nature in this particular.
And is the intention of nature that mankind should
spring from one another & be connected by the charities
of friendship & descent & the ties of gratitude —
& affection we ought not to doubt that nature
choosing our parents is made with the wisest design

tem in respect to us & that nature has given to
each of us such parents as were the most proper for
us. Children are very apt to wish & on nothing
perhaps are they wiser men, than that nature
had given them parents who would be perfectly indul-
gent to their inclinations & circumstances which when
it really happens, proves the utter ruin of many chil-
dren. The want of judgment in our ~~immature~~ years
and the tenderness of the parental affection
are the two great foundations of the parental power
which must necessarily be absolute as long as the
immaturity of judgment lasts & ought to be supported
by the child as the deference of nature & because it
is accompanied with tender affection which is the best securi-
ty that could be provided against any abuse of it the
same considerations show that this parental power can
not be extended to any of the more grown punishments
such as cannot be consistent with parental affection
nor requisite for the purposes of education & salutary
discipline. Far less can this power be extended to the
punishment of death or the deprivation of liberty
though indeed these notions prevailed among the

ancestry who seem to have considered children
property of y^e parents rather
as the absolute ^{to y^e} as a trust committed to them the
parental power belongs alike to both Parents though
as the father by the disposition of nature has the govern-
ment of the family in general committed to him he
must necessarily be superior in the exercise of it
but in his absence or death it devolves entirely on
the mother. The mother daunt not philosophize to
found the parental power merely in generation or
to subject the human factor to the law of property
children are evidently a trust or depositum & the
parents have from nature the exclusive privilege
of being their trustees. The Bodies & souls of children
are equally the effect of the divine power & are dis-
posed to grow up so as to arrive in time at the
same condition of life & equality of right with the
Parents though on account of their weakness & the
imperfection of their faculties they must be for
some time supported by the care of others or will
be subject to their power & conducted by their will or
wisdom till their faculties are gradually develop.

ed & they become fit to be trusted with the ma-
nagement of their own rights & property children
may have property & rights independent of their Pa-
rents & the Parent having no other kind of power
over any goods ^{rights} that are conveyed to their children
by others than their tutors or curators when parents
abandon the guardianship of y^r children which was
committed to y^r ^{nature} either by
the Church for the whole parental power which again
is acquired by any one who actually takes care of such
orphan & neglected children Parents are most
sacredly obliged to provide for their children all
the necessities of life & even to improve their condition
as much as they can being connected with them by
affection they are a part of themselves & they ought
to do every thing for their welfare that a rational
man would be disposed to do for himself but the most
important part of the duty of ^{Parents relates} to y^r childrens education
containing care to form their minds & manners to
the love & practice of all the virtues by instruction
& example Parents are indeed very unequally qua-

Asid for this business though for the ^{equally} most part, confident of their own skill & capacity may those who are least qualified are often the most confident & those uniformly the best who are most diffident of themselves. Pride & ignorance are the great causes of all the abuses of parental power as well as of many other errors in this matter. But the sin of every Parent in the education of his child will always be in direct proportion at least in early years to his own advancement & progress in virtue & wisdom. As the Parent can spend no higher or than the fountain from which it flows & if Parent cannot properly teach his children any thing which he himself does not know but as the manners of children are commonly formed by example much more than by precept the best thing generally that a Parent can do for the right education of his children is to be exceedingly attentive to his conduct at all times but especially in those ordinary children can understand the language of the passions & interpretation of natural signs long before they are able to comprehend words & sentences & Parents

ought not to be forgiven when they defend the
opinion of their own disorders in their children. Iwi-
nally of opinion that Parents ought to restrain y^e
pleas on y^e account in y^e offense in the same manner
as they do in that of their superiors "maxima debetur
patri reverentia" But how shall parents praise
the child who have not first learned the precept of Py-
thagoras we mean to cure themselves & be the first
occasion of exciting improper ideas or irregular im-
pressions in a young mind or to show the first example
of immoderate conduct are matters which if properly
weighed will be found to be most contrary to parental
affection yet many parents are so negligent in this
particular that they often chastise with repentment in
their children the very vices which they have learned
from themselves the better way surely would have been
not to have set them the example the first instance
that some children give of their ingratitude or disre-
spect is by condemning their parents & pointing
out the like faults in themselves that they suffer
chastisement but a prudent Parent will take

can not to give his children any opportunity of
persecution in this kind ^{Sanctus says Curo} ~~that~~ ^{they} ~~should~~ ^{have} a
great deal of integrity & innocence in themselves. Chil-
dren who have for nothing but vanity & have
been taught strangers to make clamour & passion will
of course be ——— far more tractable than those
who having been witnesses to perpetual quarrels are
easily induced to take a part in them & to indulge
their passions without restraint according to the ex-
ample of their natural teachers children ought to be led
to take notice of the beauty & dignity of a meek
& regular conduct of the advantage of ready discourse
& the ugliness & disgraceful consequences of ind. persis-
tence & obstinacy & if it must they ought also to
learn that they ought not to expect to be always
gratified & that there are many things which they
may desire which however it would be utterly
improper & hurtful to grant them & that by freely
yielding up their inclinations to the will of their pa-
rents they may expect the greatest favour & gratifi-
cations & if nothing ^{length} ~~that~~ ^{is} to be got by ob.

Many a disobedient & their Parents are not to
alter their conduct for their humors.

" Porcupine

On every occasion of giving instruction to children
Parents ought to remember that they will be much
more attentive to the manner in which they are addressed
than to any thing that they can say to them & the
language if it possible is much more ^{intelligible} than
children are much more able to comprehend it than we
are aware & may feel all the effect of our sentiments
when they can give no account whatsoever of the words
in which they were conveyed if we give children to
understand by yr manner - & behaviour that we can
have what we are saying to them to be of great im-
portance we may expect that it will have more
weight with them. The practice of drawing chil-
dren into small matters & often meant only in
jest has a most pernicious
effect upon them as they are commonly able to
discover the fraud in a very little time & indica-
tion to gratify it in thus turn upon their Parents

as on their children but Parents lose all their cre-
dit & authority wth y^r children from y^e moment if any
of y^r little flaws
are discovered by them & it were much better oftentimes
that they said nothing at all to their children than
to amaze them with false accounts & ridiculous sto-
ries. The seeds of lying, defamation, & suspicion
are much increased by the mismanagement & children
are soon led to conceive it to be an accomplishment
to be able to impose on others but instead of leaving
them to find out every thing for themselves accord-
ing to their power, wise counsel Parents ought carefully
to apprehend their unwisely & to inform them of the
great loss of their duty as well as of their in-
terest original. Let it not be said that chil-
dren are apt to conceive false opinion of these things
when told ^{at first} that therefore they ought to be let alone
the first notion that are formed on these subjects by
young minds are not more absurd than those
of older people when the subjects are equally new to y^m.

Lecture 139 - March the 24 1709

In very many cases erroneous opinion most necessary

rely upon - but once till the acquiring a great many ideas
e learning to compare them together we correct the errors of
our first conceptions young children & I will excuse every thing
that they are able of to be a body & to be endowed with body
& properties but the afterwards learn by comparing the other
properties of certain substances with those of Body that it
was impossible that their first conceptions could be right yet
the erroneous opinions of the child are necessary to lead to the
sound notions of the man there is an art in thinking
as well as in all other things & in all arts we must
make many blunders in the beginning & we learn every
art by correcting the blunders that we successively commit
a few things only are necessary to be injected into the mind
of children in their tender years such as the Being of God
his power & goodness their own late original the certainty of
death the ought of obeying their Parents & the reality &
force of their love to them & that is almost all the subjects
that need to be taught to their understanding for a consi-
derable time & when they are well grounded in these their
own curiosity & questions will lead to many collateral
truths as well as to much clear conception of what they
have learned what is of most importance is that child

den should fully understand that their Parents are disge-
in earnest & have the most firm belief of what they say
to them for if they can suspect that their Parents are not
in earnest their instructions can have little weight after-
wards. The change of the greatest importance to make
children sensible of their own weakness & ignorance & to find
that they have of learning as well as the ability of their
Parents to give them good information. The greatest trial
of the Prudence of the Parents is in which the greatest part
of them commonly find appears when their children are sent
to School a part under the direction of another Teacher or
their cousin the youngest of Parents has themselves much
more childish & selfish than the very children that they
send to School. In instead of telling them that they must
be good & obey their master or that they will be chastised
if they do not obey him Parents are wont to insist of
children to inform them how their master uses them &
to inform them that he has no power over them & that
if they think that he uses them harshly they will be
taken from him & placed more agreeably to their inclination
now by this childish management of Parents many chil-
dren are taught to hate & distrust their masters before

they know any thing of them & if he offers to chastise them for their fault they run away to their Mother Parents who are ready to swallow with greediness any account of his behaviour that the children are capable to give them & to gratify their indolence & spleen but if most of Parents had not as much need of going to school as the children which they find they would tell them that they had committed to their master their whole authority over them & that it would be necessary for them to submit to his direction & that diligent obedience & good behaviour were the only means to avoid chastisement & that they ought to make no complaints but to consider their subjection to the disposition of the master to be necessary & unavoidable in order to their attaining knowledge & being directed in the practice of their duty but on account of the foolish conduct of Parents most children are entire strangers to application & must not be urged to it by the master for fear of offending the Parents & from the same cause we sometimes see the feminines in which infants are to be found about the year of Puberty whose sluggish minds

have never been excited to activity by the prospect of
merely desire of honor or the fear of disgrace or chal-
lengement & who pass their time in idleness. I have
known that application is not necessary in order to please
their Parents & the master can always be blamed if
they make no progress in learning but the human
mind will never regain any strength or firmness
when it has never met with resistance nor felt the
pressure of necessity & it is to the want of this that we
ought to attribute that weakness of mind & want
of ambition which is so often discerned in youth for
the reason is that when first early at a distance
from his Parents & exposed to all the consequences of
his own behaviour which he has no means to resist and of
him by his master & his influence & all being by
his companions has an infinitely better chance of ac-
quiring just notions of things & a capacity for business
& study than when he has always his mother within
call & can go complaining to her with every complaint
whether against his master or his companions. a Boy

who feel any exigence if he must act for him self —
or abide the consequence of a contrary conduct will sooner
acquire manly sense & constitution than those in different
situations will receive an ambition of excelling his com-
panions in knowledge or will in strength or dexterity
& of making his way in the world. By the exertion of his
own faculties instead of depending on the favor or exerting
the assistance of others. These children who are in the prac-
tice of governing their Parents at home by means of the
penary & punishment will naturally endeavor to govern
their masters at school by the same violent behaviour
They are told perhaps by their parents that it is not
very necessary for them to study & that they may learn as
much as others in a very little time & without giving
themselves much trouble & the parents allow them to
stop what study they would be employed in in order
that they may give as little trouble as possible now if
children are not actually spoiled & rendered totally
upset by this management they may be supposed
to have something uncommonly good in their dispositions &
their Parents must lose a word of pain which they
have taken to spoil them rational Parents will always

Send their children to such masters in whom they
have entire confidence & having done so they will
teach them to respect & even love their master by giving
them to understand that they do so themselves. They
will likewise respect his authority & receive his in-
structions & in so doing they will most effectually sup-
port their own. Those Parents who teach their children
to despise their masters & to infer a right from con-
fessing themselves as much despised as the master & the
children insist upon being obeyed at home as well as at
School & the fear of violence & insolence shows ap-
pear by this hopeful management. The only chance that
many children would have of receiving & grasping by a
good education would be to lose their Parents as soon
as they went to school & to fall under the care of some
inferiour persons who would not mind their whimpering but
urge them to perform their tasks & submit to salutary
discipline. Parents ought never to exempt from their
children any exactions which they cannot observe
in themselves their examples & their reinforcement of
the masters instructions & authority ought to be

great up to their children but at present it is a
great deal if they do not ^{commit} ~~do~~ harm to their children by en-
couraging them in idleness & sloth & disobedience
the very rare that these habits are ever put off what
are not laid & encouraged in youth the extravagant
expectations that most Parents are apt to form of the
proficiency of their children is totally incompatible
with that idleness & sloth in which they would
have them indulged but nature takes its course & we
find that those Boys who are much indulged are
perpetually Boys & commonly as destitute of know-
ledge as they are of great capacity & application.
The Jesuits in their nursery leave to the best of children
but in their parents are apt to be negligent or to follow
their own humor or resentment rather than the child's
demerit & when children offend they easily
continue to get out of the way till the passion of
their Parents is over that no chastisement is to be
feared however much was desired to be subject to
their impetuosity or to be delivered from chastening
them by their crying is to most Parents the begin-

many of persons with respect to their children because
as soon as they feel their influence they will throw
of all restraint & do whatever they please as if they
didn't & instead of children an overgrown indolent &
ignorant & if qualities continue to augment than other
even & bar all hope of reformation may commonly they
lead to misery or to crimes that last them off in the
middle of their days. To indulge children early in
the use of money is extremely dangerous & their morals
indolence & avarice are thereby created & perhaps fixed
as permanent & spreading parts of their character by
the conduct children ought to be brought early to confi-
derence as a most valuable acquisition & to be more
gloried with deferred commendation than with present
and rewards. They ought to be led to observe the ill consequen-
ces of idleness & dissipation in others & taught to imitate
the best example & to resemble these children that are
most attentive to their duty. To hear their Parents
talk with admiration of virtue & praise in the advan-
tages of wisdom & knowledge is likewise a great help
to children & when they are opposed to their bad con-
duct or to give no account to their Parents of the

manner in which they have spent their time
all hopes of amendment are at an end & if they have
no delight in the company of their Parents or of
children that do their duty it is an exceedingly bad
omen when children are permitted to reply to re-
bukes of their Parents as long as they please the ac-
quiescence of the Parents is at an end & the children will
soon after have their own way & if the Parents allow
themselves to justify or justify their
word or to break the Sabbath day their children will most
readily imitate their example & all upbraidings will be in
effectual when it is not supported by the example of the
reprover. In order to have children well behaved Parents
ought to put themselves under the strongest restraints that
they may learn nothing that is bad from them but
when they allow themselves whether they will always
find that their children will imitate them & perhaps
soon go beyond them in these indulgences. The fami-
liarity of Parents with their children contributes very
much to the extension of weakness & authority. The hear-
ing of Paterfamilias conversation & the knowledge of
the details of vice are conveyed highly pernicious
as children are very often led astray by men carefully

we will not rest till they have been fully informed
of what has been improperly told them when Parents
have placed their children under masters in whom they
have confidence they themselves ought to avoid inter-
fering in the pursuit of their studies & ought only to
inculcate the great duties of morality & recommend unflin-
ing obedience to their masters. To be under a government
in youth is the best education for a free people because
none can war to get to rule or command who have not
first learnt to obey. Parents may sometimes inadvert-
ently tell their children that they are not destined to any
of the learned Professions & that therefore it will be
useless & painful for them to apply to their studies. This
is exceedingly pernicious as it damps the spirit of arti-
city, application & ambition & renders their attendance on
the means of education in a great measure useless. To them
every Boy ought to be told both by his Parents & his
masters that he ought to apply to every Branch of
learning with as much diligence & vigor as if his
subsistence his reputation & happiness absolutely
depended upon it & without this it is useless to ex-
hort that he will give himself any trouble or
~~trouble~~

have any tolerable sum, in what respects what
Parents expend upon children who have no stock
or fund of their own is justly considered to be for de-
mation a debt to certain parents who are not
in very great distress to charge food clothing & neces-
sary education as a debt upon their own child ren but
if the Parent are in great distress or if children have
a stock derived from some other person the evident
expenses bestowed on their education may be placed in
an account with their children and exact
payment insisted on children unless are bound to make
payment otherwise their labor is otherwise although
therefore no man justly presume from the affluence of
Parents that they acquire & augment their private
fortune for their children as well as for themselves
yet children ought not not to consider themselves as
help bounds gratefully in that account Nor the more
from a disappointed that any affection is the more
doubtless that it is rooted in a person rather the more
it is to be valued & the stronger is our obligation to
gratitude for it Parents may acquire by civil law
a greater power over their children as this law commits

power to any magistrat & civil power having different
foundations & greater ends extend beyond the parental
& in the same manner a child may be said to be an
officer that shall submit to Parents to his power in which
case the civil power should be exercised as not to re-
sist or interfere with the natural the Roman
maxims concerning the Powers of Fathers over their
children would not allow a father to show reverence
to his son even when consul & therefore the son was
obliged by way of temperament very by alighting from
his horse & allowing the father to mount his father
with reverence instead of receiving any from him the
political power being here obliged to submit to the
paternal or the civil & primitive one
~~primitive one~~ primitive one the children then receive
over all reverence & gratitude to their Parents not only
in return for benefit received which place any duty of
them can frequently be justified but also from a regard
to God by whose Providence it was ordered that we
should descend from such Parents & be united with
them in ties of blood & natural affection & an
habitual reverence from our cradle that in order

that Children may reverence a home their Parents
from a sense of duty when they come to be of age they must
have been accustomed to it in their minority & must
have learned it by habit & necessity before they could
be acquainted with the value of it. If children are not
formed to obedience & orderly living in their tender years
there is very little hope that they will practise it
when grown up & when things happen otherwise it
will be reckoned an extraordinary phenomenon & not
of the usual course of nature but in so far as children
are capable of thinking they ought to consider the
pains & care which their Parents have bestowed on
their support & education as the natural affections
they have for their wellfare as motives to obedience &
gratitude on their part they ought to consider that it
is according to nature that they should be governed
by the wisdom of their Parents till their own
faculties come to the ⁱⁿfirmest state. Order is the life &
bond of society & this cannot exist unless there be
some to obey as well as some to command now Parents
by the disposition of nature as well as by their strong
affection & the maturity of their understanding being

The most proper person to command & direct
their children they ought to acknowledge their honor &
credit as well as their duty to obey them. The Station
which their parents occupy by the disposition of nature
they ought to consider as the light of their governance
& the ground of their obedience as well as the personal
qualities & actual benefits of their Parents themselves.
Parents are to their children under age in the place of God
& it is as well & appointed by committing them
to the care of their Parents that they should be subject to
them as that children are guilty of robbing the author-
ity of God in the person of their Parents from whom
they receive ^{it} communication & in resisting the will of
God communicated in the manner they resist such
a gross & dangerous error of mind as would very probably lead
them to resist the will of God communicated in any other
way Children are ready to lay hold of the personal
weaknesses of either of their Parents as an excuse for
their own disobedience but they are not so ready
to excuse their own faults which makes them stand in
need of chastisement but they ought to remember
that it is not the personal character or qualities ^{of their} Parents
that give them a right to command them but the

destination of nature & the necessity of order in
every society. Children ought not to imagine if it be-
longs to you to ^{command any} body far less than Parents that it is
their honor or interest to obey those whom nature has
set over them & who are answerable for the conse-
quences of their obedience as they themselves are an-
swerable for the consequences of their disobedience. Children
ought to remember how much their parents have
endured from their childish follies & perverseness & if
they are stung in the face of gratitude & justice as well
as by reverence to the order of nature to war with the
proud humors & perverseness of their Parents & never
to consider themselves as on a level with them nor at
liberty to deal with them or to answer them in the same
manner that they might lawfully do to their equals or
inferiors all their honor & duty lies in respecting & following
the appointment of nature & not in maintaining the just-
ice of their cause against that authority which nature
has set over them. Hence thy father & thy mother is
the voice of nature & ought never to be less than that
of revelation & the example of Isaac's two elder chil-
dren in covering their fathers nakedness in such a
manner as not to hurt & removing the authority of

(Drumhugh sufficiently evinces
their father even when his reason was disqualified by
that the faults of Parents afford no sanction or allow-
ance to insubordination or disobedience in children if a child
indeed was common did by his Parents to commit a
crime against nature for the interests of party he ought
not to obey them as the authority of nature which forbids
such crime is original supreme & eternal & consequently
permanently to the authority of the Parent which is only
delegated & temporary; but a child must be come to
age & judge very soon of the fact before he ventures on a
deliberate instance of disobedience to his Parents even for
conscience sake children ought likewise to consider how
blamable & odious small parties & how great pains &
happens upon every thing that is ordered by those
who have a right to command is immediately com-
plied with & carried into execution by those
whose duty it is to obey on the other hand even children
may be sensible of the manifold mischiefs & disor-
ders that must take place in a Society where every
one insists to command & none will consent to obey

Lecture 140th March the 25th 1789

Disobedience of children to their Parents ought
not only to be constant & perpetual but likewise shameful

e readily because the merit of many good actions is much
lessened & spoiled by their being done with a bad grace
or with much contention murmuring & repining. A forced
& sad obedience is as disagreeable & irritating to Parents
as the most peevish disobedience because it shows that the
heart is wrong & that the inclination of the child is not on
the side of his duty. Besides a forced & grumbling obedience
can no more be permanent than it can be amiable
& it is not probable that children will do any thing
well or to good purpose when they do it unwillingly against
their will. The sort of obedience can neither be agreeable
to justice nor excite gratitude. When children are to choose
their profession or their Partners for life they commonly have
need not only of all their own wisdom but of that of their
Parents who must be highly interested in their establishment
for life. The profession which a child is to embrace & to de-
pend on as a profession for life is the foundation of a good
character in discharging the duties of it ought to be at
once suitable to his education his constitution his con-
stitution & abilities as well as to the joint inclination
of both the Parents & the child. now it is the office of
Prudence to make all these to coincide as otherwise

the child embracing the profession that is concluded on
can neither be for his interest home or happiness nor be
thrust of the Parent & Person can never be successful in
a profession which is not agreeable to his inclinations
& if he wants education & abilities that are necessary
for succeeding in it his embracing it must be left to him
to him. When Parents & children duly consider these
things with wisdom & moderation they will probably
come to agree upon the profession that is fittest to be
chosen but things will be much easier if the father does not
insist much on his authority & if the child is not too
much influenced by ignorance vanity whim or fancy but
when both parties submit to reason probability & the fit-
ness of things the case of the marriage of children is
still more delicate than the choice of a profession as the
tender sentiments & affections of nature as well as their
moral & personal interests is concerned in it In the choice
of partners for life Parents are apt to be much influenced
by considerations of gain or convenience & young people
by a regard to personal qualities but as both these ends
are desirable they should both be kept in view in

such a degree & order as is suited to their several
importance. Matches made for mere gain or con-
venience are not likely to be productive of much friend-
ship or happiness to the parties & matches that are
made from a view regard to personal qualities, es-
pecially if they are only of a superficial nature with-
out concerning are not seldom productive of deep
pain & misery & even by operation a mutual
upbraiding's now in order to prevent both these
kinds of evil consequences it is best that the parties
be not too young nor not too much haste to enter
into matrimonial engagements but that they may
be tolerable judges of convenience or will a possession
of affection & esteem for desirable personal qualities
of virtue is not the chief of these qualities that are
sought & regarded in marriage the rest will be of
very small account. Beauty soon fades & comes to
be as familiar & little regarded as a statue or picture
that we have often seen. Wit again soon irritates
& becomes offensive but mildness & good nature are
next to real virtue of the greatest value Fidelity

a mutual affection are necessary to render the marriage state happy & more capable of being so than those alone are susceptible of fidelity whose affections are disengaged & not extinguished by passion & seduction when marriages are not made too early or rashly & when a due regard is had to all the ends of marriage they will have the greatest probability of being happy men as well as equal to all the cares concerned. A Parent can have no authority to impose upon a child a partner for life contrary to the child's inclination & on the other hand a child ought not unless from necessity to oppose the will of his Parents by a choice that is disagreeable to them when children arrive at the year of maturity the absolute parental power ceases by the law of nature, it ends being already attained; but it ought to be followed by reverence & gratitude on the part of the child to such a degree that if possible the Parents may never offend that it is owed Voluntary duty & honorable deference in children to the will of their Parents is at once profitable &

Honorable to the child as well as agreeable to the
order of nature & the interest of society & the
voluntary obedience being prompted by reason &
gratitude & not proceeding from necessity is much
more agreeable to Parents than all the obedience
of children. Children owe subjection & obedience to
their Parents as Heads of the family in which they
live even after they are arrived to the years of major-
ity as there is the same reason that there should
be a supreme power in a family whether it consists of
infants or adult members. The deference & obedience
which children owe to their Parents in an adult
state ought to be prompted by a sense of duty & grate-
tude as well as performed with cheerfulness & readiness
remaining in that family in which nature produced
him & receiving the same authority that watched over
their tender & helpless years they ought to demon-
strate their forgetfulness of the benefits that they
have received & never think that they can request you
except to their own children to whom they ought

to be paid in kind when natural duty & filial duty
is supported by reason it ought to lead children
to such a conduct towards their Parents in mature
age as they have deserved towards them then in in-
fancy & childhood. Young Storke support their aged
Parents whom they have their name in our language
from the Greek word *Storge* which denotes the affec-
tion that is proper to Parents & children. By the
law of antient *Storge* it was a capital crime to
kill a Storke or these people were calling that
their children should have as many examples of
right affection & conduct towards their Parents
continually before their eyes ^{was possible} as these animals have
likewise been well treated in many other nations, not
only because they destroyed noxious insects but
from their affording in their conduct to their Parents
an excellent lesson of filial Duty. A Family is a
society governed by one or more heads & consisting of
an indefinite number of members which are connected
together partly by blood & partly by contract over all
which the authority of the head of the family extends

did according to the relation which they severally
bear to him the wife E. G. is governed in virtue of
the matrimonial contract which as it implies a
participation & communication of rights & property gives
her likewise a share in the government of the family
at all times & the whole of it on the absence or death of
the husband. The children again are governed in virtue
of the Parental power which is constituted by nature
itself & rendered absolutely necessary by the im-
mature state of the families of the children as well
as by their weak & helpless condition but before
that there is in many families another class of
members who are constituted such by a very an-
cient power of civil contract & who become members
of the family by stipulating to perform certain services
for the general emolument of the family under the
direction of the head in consideration of certain rewards
supposed to be proportioned to these services & which
are promised them on that account by the head of the
family when manhood came to be considerably

multiplied there must have been many among
them who had no other fund of support than their
own labour & likewise there must have been others
of greater opulence who for ^{own ease} y^e gain & convenience would
stand much in need of the labours & services of others
now if these two classes of people had always continued
separate from each other it would have been absolutely
ruinous to both as the rich would have found that
their property was totally useless to them & that they
must soon have lost the greatest part of it by their
not being able by their slaves to guard & to improve
it on the other hand most of the poor must have
perished for men want not being able to find the
means of subsistence by y^e labour but the mutual
corresponding necessities
of these several orders of men must necessarily have
brought them together in the very early period of society
in order to avoid common ruin & to attain mutual
convenience now in this case the poor could not cer-
tainly do better for themselves than apply to the rich
who were able to furnish them with means of subsis-
tence in that recommending themselves in the least

@ the rich on their part could have no other resource
than apply to the poor who were able to labour in
order to assist them in guarding & improving their pro-
perty & for performing such services for them as
might render to them a ^{by conditions} ~~by conditions~~ comfortable
The necessity of a number of hands is extensive & uncertain
would make the property of the rich to be quite cumbersome
& absolutely unmanageable to themselves & the wants
of so many poor must have soon put an end to their
lives unless they had found relief from the abundance
of the rich but as these two orders of men are naturally
independent of each other the poor on the one hand could
not expect that the rich would support them out of
their acquiescence for nothing nor could the rich expect
that the poor would assist them in their labour without
an equivalent The most obvious scheme of justice
therefore as well as the sense of mutual necessity
must have united these different orders of people
by a mutual contract or stipulation ^{thence have arisen} the order of masters
& the rights of masters & the former contract is

next to the institution of matrimony & government
is of the most extensive & important kind to the interests
of society though the transactions under this social
contract have been always too little noticed in the co-
dices of nations & the transactions under it even
in the best governed countries continue in a great
measure to be regulated by natural maxims or by
the will & interest of individuals instead of being the
object of public legislation & regulation now the maxims
of both parties must have given birth to their
civil contract & the rights & powers of masters & ser-
vants must have been limited & defined by the terms
of the contract which constituted the relation between them
now as nature has produced men very unequal in the
possession of the means of subsistence as well as in those
talents that are necessary for acquiring these & there-
fore has endowed them with very unequal degrees of ability
activity ambition & desire & capacities of application
this inequality which is perpetual necessity appears
to have been designed by nature as a law of justice.

tion in order to bring a huge several millions
of souls together by means of their common in-
terests & conveniences & miseries so that it seems
intirely analogous to the law of gravitation & cohe-
sion in the world of Bodies accordingly this inequality
is the cause of all union order convenience & riches
through government & social happiness because
it produces persons who are fitted by nature &
disposed by it to all the different departments &
offices of society & for the disposing & obtaining things
in their proper places & in their proper situations or in all
each of them according to their capacity to fulfill the
different ends & offices of society for which they are qua-
lified by nature if all men were indeed by nature of
equal talents & capacities & with equal degree of am-
bition & activity no society whatever could possi-
bly be formed out of them nor could the world
have been organized even into families because all society
implies subordination the higher departments of
it would in this case have been universally covered

& the lower order of officers & society universally ^{=ated} regarded
as ~~deficient~~ ^{deficient} in that sense would have ⁱⁿ ~~in~~ that
dream which so many weak people of late have fos-
sibly hoped to realize among us we mean a society
of men naturally equal in every respect & a govern-
ment consisting entirely of governors but by the
law of nature such a society must be the most
fragile & perishable of all others that are con-
ceivable & indeed could not possibly survive any
longer than a head can do without a body or a
body without a head to both of which it may be most
justly compared in different respects If mankind
were so constituted by nature as many wild & ig-
norant people suppose all society union & govern-
ment would be utterly & eternally unattainable
but nature ever kind to her offspring has ordered
matters in a very different manner by endowing
mankind with very different talents inclinations &
dispositions & determining them to very different pursuits
& this not only by the difference of their inclinations &

capacities but by the necessity & variety of the
circumstances in which they come into the world in
consequence of which nature attains her ends with
certainty in the main though it is vainly opposed
& retarded by some political constitutions & aided &
supported by others

ALBANY 141 March the 25th 1799.

A family exhibits the most perfect ~~system~~
pattern of a State as containing different orders
who have their several rights powers & duties
defined by the constitution of the family & all depending
to its interest & emolument. In a family likewise we dis-
cover a just subordination & different destinations both natural
& civil as well as different offices proper for the head & the several
members we will have occasion by & by to show that all this
is equally necessary in a State or political Society. In a fami-
ly the head is destined by nature to command & direct & the
several members are destined to obey & cooperate under his di-
rection for the common benefit & emolument of the whole in
which the interest of all the different members is necessarily

comprehended & the common interest depends not only on the capacity
& inclination of the head to command but on the fitness of the
inclination & promptitude of the members to obey & to execute
the orders that are given by the head or governor. The most
obvious likeness that is generally made use of for illustrating
the nature of a family or State is that of the human body
which being the work of infinite wisdom must be conceived to
be exceeding fit for accomplishing the purposes designed by it
now in the human body there are evidently parts above other
parts & a different & decided denomination of each of the mem-
bers to its proper purpose & to no other & all this produced by
nature itself & designed for the well-being of the whole. For it
likewise we discern a subordination of different parts to each
other & a cooperation both of the equal & of the unequal parts
to one common end & under one common direction & govern-
ment now then now & description of equal & unequal parts &
their perfect adjustment to each other as well as their necessity
each in their order to promote the good of the whole is so obvious
and agreeable to the intention of nature that the altering or
dislocating any of these parts immediately produces pain
& leads to dissolution nor can the pain be removed till the parts

we again allude to that order of things in which na-
ture at first placed them an incapacity for executing the
functions & for attaining the end of our nature is likewise
the necessary consequence of such dislocation. We grant
therefore the rights & claims as well as the duties of
all the members of a family are necessarily determined by
its constitution. The claims rights & duties of servants in
particular must have been fixed at first by consent or con-
tract either tacit or explicit & by this contract they are in-
cluded into the family being conceived to be originally strangers
& not natural members of the family while the manners
of mankind are very simple there is not that distinct no-
tion of property or disposition of rights which is to be found in
older & more corrupt states according to the ancient adage
"Ex male moribus oriuntur bonae leges" In a simple state
of society men are prone to trust each other & do not he-
sitate by that suspicion of fraud or anxiety to secure their rights
& property that becomes absolutely necessary in corrupt
ages & countries. In the first institution of servants therefore
or at the first tacit introduction of the servile contract whereby
the rights & duties of masters & servants are defined & from
which both of them arise it is probable that no express contract

at justice made but that the parties entirely trust one another
& depended on their mutual justice & this probably contin-
ed for a very considerable time while the faithfulness of the
servant & the gratitude & justice of the Master continued
in a considerable degree of vigor & were most commonly
found to ballance each other accordingly in our Lords para-
ble of the labourer in the vineyard he represents the master
as engaging the labourers without any express or implied
 stipulation in finding wages or assigning the quantum of the
reward which he was to give them & even at this day in
many parts of England when people engage workmen who
are strangers they generally make no particular terms with
them but promise to give them what they shall think are
worthy of upon trial & this sometimes lasts for a month &
sometimes for a year or longer after which the master & servant
make a new agreement either upon the same terms or for
more indifferent ones according as they agree now it is proba-
ble that in the early times of the world the engagements of
the servants might be for life which by the increase of accu-
sance in the master & of ignorance & indolence in the servant
some time might have gradually given rise to the institution
of slavery perhaps before any precise value was set upon a

man labour he might buy himself justly obliged to
serve that person for life who had charged himself with
his whole support or perhaps the term of the contract
might vary according to the character & passions of the
parties some might from a more generous temper or
a love of liberty engage themselves only for a limited
time while others that were much less susceptible might
engage indefinitely or without specifying any time at
all & while the great convenience of the change of con-
ditions were most desirably felt by both parties the
terms of the contract would probably remain vague & not
undetermined but when the master who failed to be
tasty in giving the servant the reward that he expected
or when the servant became more negligent in perform-
ing his duty than he had been at first either of these
circumstances might have effect to render the contract more
particular distinct & explicit In course of time it might come
to be discovered that the labour of any person in health was
of more value than the charge of their food & clothing
amounted to & those who had engaged for no more
than this either at the expiration of the term of their
contract or perhaps as soon as they discovered this fact

might begin to insist on such further reward, for their
labours as might enable them in time to support a family
or to become more independent on others & the mutual
necessity of masters & servants would determine the
rate of such wages at first in the same manner as they
continue to do at this day but in the most early engage-
ments of servants etc. most probable that the labours
to be performed by the servant were not particularly
or distinctly specified in his agreement with the master
the latter being always supposed to be possessors of human-
ity & justice & the former being always willing to do as
much as he was able but when other expensive labours
came to be required on the part of the master or when
a servant came to be possessor of a particular destiny or
an inclination for a peculiar kind of work he might
come expressly to stipulate that he should not be employ-
ed in any other now it being agreed that the servant should
have a certain reward for his labours it must have been
understood at the same time that the whole of this labour
should be temperately faithfully & truly performed & for this
purpose the servant must have been conceived to have

submitted himself to the power of the head of a family & to have consents to be subject to such correction in case of disobedience or negligence as should be found necessary for preserving order & for supporting the authority of the master but in case of the servant performing the labour & the correction & affliction of the master according to the agreement the Master has no further demand on him but retains all his natural rights as the contract of the master fully expresses the terms & extent of his jurisdiction & had the same relation to him as the laws have to subjects in civil society & further reason for the master can neither demand more labour or any labour of another kind than what was stipulated nor invade any of the natural rights of the servant not affected by the contract otherwise the servant may resist even to violence & death where there is no civil government but no master by a contract with a servant could have any right to transfer his labour to another the benefit & obligation of the contract lying exclusively confined to the parties only & as it is of great importance to the servant in what family he serves his consent must

be necessary to any such transfer of service but the case
is quite otherwise when the service is made independent & trans-
ferable by the original contract as in the case of indentured servants
in this country. If a servant have a wife or children these cannot
be in the least affected by the contract that alienates his labour
either in that right or property ——— but they remain
as free as if a contract of service had never been made by the head
of the family to which they belong while manhood continued
simple without manners & luxury & avarice were not excessive
the condition of masters & servants — must have been
very easy & agreeable & their joint way of living together must
have approached very much to an equality but when was the mas-
ter's manner of living ever to be much distinguished from that
of the servant. Higher wages worse agreement & mutual sus-
picion of injustice must have been the consequence yet humi-
nity would soon to the servant the right of being supported by
his master in his sickness to whom he had devoted the labour
& his health. It being a maxim of natural justice as well
as of the Roman Law "Cuius est commodum ejus debet esse
inconmodum" the duties of masters & servants
arise from the contract between them & from the com-
mon law of nature each of the parties must be considered to be bound
to do no injury to the other & to perform faithfully the
condition of the contract now as the master by the destination of

nature & the tenor of the contract has the sole right
to command he ought to execute his part with humanity
& justice & because he has the superior station in the contract
he ought for that very reason to have a more nice sense
of honor & justice & because it is not so easy for the servant
to hold him to the terms of his contract as it is for him to
oblidge the servant to conform himself to it he ought to be
alone to himself & to avoid the most distant suspicion
of taking any advantage of his superior situation to the
prejudice of the rights & interest of his servant. There can
be nothing more evidently demonstrative of original mean-
ness of soul than to take the advantage of superior station to
injure the weak & defenceless & on the other hand there is
nothing so demonstrative of magnanimity or a love
of justice & a fitness to command as a nice sense of honor
& keeping at the utmost distance from injury or taking
undue advantage a Person of true magnanimity is
more zealous of himself than of any other person whatever
& will therefore labour by a liberal explanation of the con-
tract in which he is concerned to convince all mankind
that he is utterly incapable of taking any undue advantage
of that superiority which his station & the nature of the

contract gives him a just a conduct on the master is ab-
solutely necessary to secure the confidence of the servant &
to induce him to a faithful performance of the conditions of
the contract on his part when he knows that his master
disposes all under advantage on that head & for this reason
we see that it happens that the best & most generous mas-
ters have commonly the best servants a vice versa. The
man who knows how to command with dignity humanity
& propriety in the sight of all others he excites his servants
to obey him with fidelity pleasure & exactness. The best
state of masters & servants is when there is a constant equal
friendly justifying behaviour there which of them shall do the
most honor to his own character by the most faithful per-
formance of the conditions of the contract but when the
equality is on the other way that is when they prize which
of them shall take the most advantage of their respective
situations the worst is necessarily different & the interests of
both equally suffer nothing can excite a grateful &
equitable behaviour in the servant more than an hono-
rable & liberal conduct on the part of the master & because
the one of these has a tendency to give rise to the other
whenever such conduct is wanting both Parties ought to
blame themselves Augustus was exceedingly desirous to

appear grateful to every Body who had served him &
even one day in a Court of justice with one of his veteran
soldiers who had a ^{great importance} depending on was desired
to be his advocate. Cyprianus accordingly acknowledged the
obligation & in proof of this desired one of his friends who was
eminent to be the poor soldiers advocate. Caesar replied the

Caesar replied the soldier this was not the
way that I used you at the battle of Arxum. I did
not employ a substitute but fought for you in my own person
as the marks of those wounds will witness at the same time
showing his grief. Augustus was wonderfully overcome
by the force of this reasoning & became his advocate in per-
son. His cause gained his cause one would sometimes ima-
gine that magnanimity & propriety of behaviour as well
as dignity of sentiment were much more common among
nobles in general & particularly among people of distinction
in ancient times than they are with us when the compact
between the master & servant is cemented by mutual
confidence & ^{strengthened by} affection. It may be expected to be so
much the more agreeable & advantageous both nature & reason
force in all things should attempt or suppose are the
worst preparations for parties that are engaged in any con-
tract for performing the condition of it to mutual advan-

ledge. It is common under this head to treat of penal
jurisdiction or of case of those persons who for some great da-
mage done which they cannot repair or for some great
crime against society are adjudged by law by way of
punishment either for life or a term of years or with a
view of making some compensation to society for the
the person whom they have injured. That some crimi-
nals should be condemned to servitude of their kind is
most consonant to natural justice as well as to

It is greatly to the honor of this state that
their assembly have adopted this mode of punishing
certain criminals as it may be attended ^{with singular} benefit of the
rest of first in the execution & the natural feelings
of mankind do not revolt upon them to reject at again
yet those who have thus justly lost their liberty whether
wholly or for a time ought not to be understood as ha-
ving lost all the rights of mankind but such of them
only as are naturally fit & necessary to compensate
the damage or to give security to the public against the
like injuries for the future. Of the lives even of the worst
criminals are spared after they have endured all punishment
be punishments as the law inflicts or the safety of the
society may require it is unjust to treat them with any

further cruelly provided they are willing to perform the
labours which they are condemned to perform & they
have a right to defend themselves even by violence against
any new injuries or violations of any rights that still re-
main in them & are not affected by their sentence &
as this slavery is constituted solely for the benefit of others
their power may be justly transferred without their own
consent all their other rights still remaining entire
to them but no circumstance can degrade a rati-
onal creature to the condition of Brutes or of inanimate
matter — so as to become wholly the property
of another without any right of his own the condition of
slavery by contract & even of criminal servitude —
— is not degrading to human nature like the
condition of slavery of which we shall have occasion
to treat afterwards nor does it expose the Servant
to injustice & oppression without remedy. The laws
of every country as well as the virtue & probity of the
Master when he happens to have any are thus pro-
vided a solution before the benefit is reciprocal
in every intelligent & well governed Society it is suf-
ficiently understood that the master would be a mis-
-

able & helpless without y^e assistance of ^{servant} 5. as the servant
could be without the support of the master they are
indeed mutually necessary to each other & their sepa-
ration would occasion the common ruin of both inso-
much as provided by contract not only for the Master
of security & the augmentation of public happiness but
for several other very important purposes. The first of
these is to give every one that proper plan of security &
an opportunity of exercising those talents that nature
has bestowed on them for the public happiness as well
as for their own. Some men have naturally such flow-
ing parts as only to be fit for such rude & manual labour
as does not require much judgment & may be perform-
ed by mere bodily strength under the direction of
others now servitude by contract as well as of
personal necessity thrust more of these descriptions into
their proper station but of the very same persons who
have been employed to make roads or to conduct the
canals of the Public their labour would not have turn-
ed out for the benefit of society but by being thus em-
ployed in manual labour under proper directions they
may be as useful to society as nature has qualified

them to be every
ing put out of ^{its} own place. Suetonius testifies of Tiberius
that no-body could be a better servant or a worse
master than he was, that is to say, his path were
of the lower hand & he was destitute of generosity
& magnanimity now as the far greater part of
mankind are of this kind of mind rather have they
subjected themselves to servitude & labour under the dominion
of others. Tiberius again in order to be a scourge to
~~not~~ a worthless people was raised by Providence to be an
absolute Prince & this ^{meanings} selfishness of his soul
will as more manifest in consequence of his exal-
led rank. Laco Sanchez the favorite squire of Don
Quixote is defended by servants as possessed of as
much ability & discernment as could be expected in a
scourge the master & of much more evil y^e could have been
expected in it. ^{station}
If he did not shine equally in the character of the
supreme governor of the state & though indeed he was
the best governor that we read of in respect to the jus-
tice of his sentences yet this was not owing to the
short duration of his government than to his conduct
or it he knew not what to do in case of an alarm

He could not watch account & lose no time dispo-
sing that the whole ~~long~~ of his government was
merely a museum but in the management of
his master had a his own as he knew what he
ought to do & his talent were properly & usefully
applied none of his words were turned upside down
& the intentions of nature quite wrong with regard
to every individual it would be as full as strange
a figure as the great that stood under that ill
in England & Maryland are not like Blocks of mar-
ble or stones in a quarry which may be cut of any
size or in any shape that we please on the contrary
each of them have a determinate capacity for
culture & gentle discipline which he may indeed
fall short of but is no education, ^{or training} that power is able
to augment or to advance one step further when
the young man in the fall of ~~the~~ ^{the} who was found
opacat had claimed from Venus by his prayers
that his cat should be transformed into a beautiful
woman he soon found that he had still the nation

and soul of a Cat ——— as on the first
appearance of a mouse the game chase immediately
by a intently pursuit all the honors of his fine Ladyship
In the same manner of chance or political folly
should take a mouse of the same or ^{near} ~~under~~ the
size of Sarcis Parappa a set home upon a throne
as in a snare the faithful Cat would be soon reloaded
& he would appear when in the due disguise to be
as mean as nature at first made him being inea-
pable of putting off his original ignorance & low habits
men of this sort may sometimes indeed make
great fortunes but it is commonly observed that when
they do so they generally overspend or at other of the
extremes of the miser & Spendthrift wanting
understanding to sit ⁱⁿ the middle so that frequently
by mutual contract produce many extensive & impor-
tant benefits to Society from men who could not have
been otherwise useful & who if left to themselves without
the grasp of necessity might have been lost for in-
stead of being profitable to the public at the same
time this ——— destination demonstrates not

only the wisdom of nature & her kindness to
to society but has the greatest tendency to the happiness
of those very persons who occupy the lower department
of human society for if they were out of their place &
constituted by public error or mistake in the relations
of relation deeply or habitual perposition they wd,
be miserable & restless in their mispositions & conti-
nued to be happy till they were again dropped of y^m
accordingly Servantes must properly describe Socrates
& Plato as deriving this important lesson from the
story of the government that nature had never made
& meant him to be a governor; but we can not tell
suppose that all men would be able to find the
same sense & to make the like observation on a
like occasion the same prodigies by the Roman
Saturnalia when the servants became the mas-
ters & the masters servants made a good enough
prose for 8 days but might have been very ruin-
ous if it had continued longer. ~~~~~
The dispositions of nature being so unequal & various
with respect to different persons each one must be happiest

as well as most useful in his own place for which na-
ture has qualified by the qualities which he possesses
every man is to be considered as valuable & praise worthy
when he performs the duties of his own place & assigns
to the utmost extent in his representation without
seeking to encroach upon those of another & may fairly be
added that he will be the most happy in
the representation —

Lecture 112 March 26th 1797

There is accordingly for the most part a great
deal of more happiness in low life than in high for this reason
that there are a great many more people in low life who are
in their proper & natural place than of those in high life
being without any care except such as they have been used
to & having no business except what they are fit to manage
& without apprehension of any danger or apprehension of a change
of state than in low life who are with generally enjoying a
tranquillity to which the most part of men in the upper
ranks of society are total strangers.

"*Optulentalis numerus sua se bono morient
appetentia.*"

When we find that there is always
much more ingenuity & real enjoyment among the servants
of a great house than among the masters & the more part
of every truly elegant & polished person, more ease of mind than
the rich the dangers & cares of high life are al-
ways considerable & leave the person little chance for tran-
quillity & thus define being enlarged by their situation
often produce wants that nature itself cannot satisfy
cannot satisfy so that Aristotle's paradox of the poor man
being less needy than the rich is confirmed by sound sense &
actual experience. "*Dives eget gemmas corali munere
paupe cumque gaequant' ambo pauper regens munus est.*"
The one wants luxuries which ~~always~~ his wealth cannot
purchase & the other wants & only needs which may be
probably & easily obtained but demands from his contract
purchases another great benefit to society which is that it affords a
temporary service to men who are capable of or originally belonging
to other stations till they discover & improve their talents so as to
procure an opportunity of a better situation now though a
man in low life may not be qualified for the higher stations

yet many of those who are qualified for higher Stations,
may be very capable of the Office & demands of lower
life the higher degree of wisdom or any other desirable
quality comprehend the lower but not vice versa with
regard to the far greater part of mankind nature has
just placed them either exactly or nearly where it was her
intention that they should remain but with respect to
those that are endowed with strength of parts & activity of
disposition the former does place them far below the rank
that she designs for them in order that by the exertion of
their faculties they may both rise in time to their destined
rank & prove themselves worthy of it even of the first by
the exercise of wisdom & calmer Prudence & experience
with a laudable ambition in low life may often at-
tain an opportunity of rising to their proper place as all
history bears witness at the same time their Patience
calmness & ingenuity render them more conspicu-
ous than if they had been born in high life & indolent
neglected in that station in which they were bred.
See "Mallet tome premier anetore et ensigne a l'ouest
leur officiers promene" but although the notion of the

equality of all men with regard to talents & capacity is a
idle dream & is contrary to experience & the intention of na-
ture yet there is an equality of all men on point of
natural rights which is true & equal to the inten-
tion of nature. Men for example are very unequally
qualified for business philosophy & government but they
have an equal right to natural liberty & the per-
fect of happiness in conformity with the interests of
society no man has or can have a right to claim
another man as his property or to oblige him to depend
on another for the enjoyment of life the direction & determina-
tion of the different ranks is partly in the will of na-
ture & necessity & is formed & limited by voluntary con-
tract but the necessity supposes that the parties are at
liberty & naturally independent on each other before the
making of the contract but the law & reason of every
man in society is determined by his talents & by the success
of his endeavours in conformity to justice & the rights
of others & no other person has a right to point or direct more
any plan for him according to the notion that he has of his

talent & fitneſs nature has deſtined men for diſting-
different ſtations & offices yet every man however
the unqualified has a right to the ſtation & office
which he deſires if he has acquired that as well
as his rank in life ————— in a conſtitution
with juſtice & the rights of ſociety now it is only
in the latter capacity namely with regard to
their natural rights & to thoſe that they have juſtly
acquired that all men are equal but in reſpect to
what we in reſpect to the endowments of the mind &
talent for buſineſs & ſtudy as well as with reſpect to
moral qualities perhaps no two perſons were ever ex-
actly equal to each other ſo far is it from being true
that all are equal in theſe reſpects but with regard to ^{the} rights
of ſociety have given each of ^{us} ^{proportionally} every man an
equal & at all times equal to every other man in ſe-
much that of any of his natural or his civil rights are ta-
ken from him he has a right to be reſtored to them upon
the ſame & at the ſame & expenſe of thoſe who have deprived
him of them or endeavour to keep them from him now it
is upon the ground only & not upon the will notion of

the equal right & privilege of all men to be Kings & Rulers
that the Patriots of this country who ^{have} expelled the power
of great Britain ^{& attained their present independance} but the confusion of different ideas
— has often occasioned many gross errors in political spe-
culation — we have heard very much of late of the
natural equality & inequality of mankind since been tending
of all men are then equal & others are less so in main-
taining that they are born very unequal but the truth is that
both these contrary positions are true in one sense & false in another
but the supporters of these different extremes have generally had
diff. meanings & views of the question & have reciprocally
misplaced the opinions of each other for the most part so that
they maintained their respective opinions in two diff. senses
by confounding the diff. inequalities of man Mr. Massieu produced
his first essay on that subject which was the foundation of his fame
& which obtained ^{the} prize from the Academy of Dijon In that
Essay he gives an — an eloquent detail of all the misfortunes
of man in consequence of the facts of their inequality & charges y^e
all to the account of our society which he represents to be
totally unnatural & with a view to recommend the savage
state in preference but his argument indeed was very ingeni-
ous & his narrative eloquent & affecting but neither the one

nor the other are just or solid because he has omitted in
his account all those inestimable advantages which solely
denues from that very inequality we here cathegorically condemn
but many authors since that time & even Mr. Proudhon him-
self on his knowledge of the real contract have treated that subject
with much more accuracy & distinctness on the other hand the
celebrated Mr. Paine in his essay entitled common sense has
stated the equality & made head far too high & on a very wrong
basis entirely forgetting the natural disparity of talents
birth & capacities. But the opinions of both these writers might
be perfectly reconciled by the help of the definition already mention-
ed the most plausible defender of Democracy as these writers
who endeavour to establish it on the basis of distributive justice
& on the other hand the advocates for anarchy who now equally
abound are most successful when they endeavour to as-
sert the rule of commutative justice is relate only to the
natural rights & useful property of men to all the diff.
ranks & species of society as if any had a natural title to
them or as if the whole society could possess them at once now
distributive justice belongs only to God who is infinitely wise
omnipotent & powerful & who places every man in that rank
& office which he judged to be most fit for the execution of his

purposes either of mercy or of vengeance to human society.
Commulative justice again belongs to men & consists in
maintaining every one in the enjoyment of those rights powers
& possessions which God has thought proper to give him & to
restore them to him when he has been unjustly deprived
of them, but the confounding of these two species of justice has
occurred like errors on that of the inequality & equality
of men in a free republic & extended in any other state
every man has a right to any office of the state to which
he is regularly appointed & elected by the equal & constitu-
tional power of the state but no man has a right in
commutative justice to demand any office whatsoever as his
right or property or ought to think himself injured when
he has no office at all because the supreme distributive jus-
tice of the state allows no man to demand any office whatsoever
as his
~~matter of~~ right or property or ought to think himself inju-
red when he has no ^{office at all because the supreme distributive justice} of the state or the concerned ^{individuals} of
individuals to discharge the duties of them with propriety no
man therefore is injured by not being elected to an office
though he may be exceedingly fit for it but far less is he
injured when he is not fit we often hear indeed that by the
constitution of a free republic all powers originally
in the people but as they cannot in their proper persons

is in y^e people —
except it over themselves this meaning can only be y^e power
all they have by regular election collected & concentrated in
proper officers after which the people have no more to
do with it till the term is expired for which these officers were
elected if they while in office act according to the law & when
that time ~~expires~~ ^{the} people must
immediately dispose of it either on to the same person if they
please but cannot retain it a single day in y^e own hands
consent to the appointment of a magistrate is one thing & to
have a right to be appointed or actually cho^{se} a magistrate is ano-
ther Every citizen of a free republic has a right to the first but no
man whatever can have any right to the last except by the
election of his countrymen This indeed when obtained constitutes a
right for a certain time but does not acknowledge any prior one
artful demagogues have endeavoured to excite rebellion in
favour of High State by persuading the ignorant & prejudiced
part of the citizen that they are greatly injured because the le-
gislative officers of the State are not in their possession but have been
given to those who were elected to them

now they even endeavour to make them rebel against
themselves & to attempt to take down in an illegal man-
ner what they themselves have constitutionally made now if
according to these demagogues every man has a right by

commutative justice to any or all
the right at all times & consequently ought to be perpetually
in office & every man ought likewise to be in all different
offices at one time according to commutative every man
ought to be maintained in ^{his} ~~his~~ ^{respective} ~~to~~ ^{uninterrupted} enjoyment of all his rights with
exception now according to this way of reasoning no one man
could possibly be elected to any office without injuring every other
member of the state who certainly has as good a right to be ap-
pointed in commutative justice as he has thus according to
the notion all men must be governors & all of them must be
be in every office at once or all the inhabitants to be their right
is that nobody at all would be left to be subject or to be govern-
ed but it is probable that these demagogues have another notion
also to bring forth ^{sometimes} ~~is~~ ^{indeed} they have that all property is in the people
& that consequently every man who thinks that he is in want
may take from another till he thinks he has enough which
at one

to domestic life Although mankind are divided into different
ranks & this in a great measure according to the disposition of
nature or giving them unequal endowments yet all men
are not & indeed cannot be placed in the highest situation
for which nature has qualified them yet no injury what-
soever is done them by this because it is the act of god who can-

indulging any one
apprehensions of Providence & to preserve to every one all their
right & opinion that he has secured from Providence in a
just & lawful manner

to be a servant but as God & the law
have made him a master no power on earth has a right
to displace him under pretence of distributive justice another a-
gain may be in the condition of a servant who is proper not
withstanding a sufficient capacity of being in command as
to fill an eminent station in life

injurious because the provi-
dence of God who is the true dispenser of his gifts, can do no in-
jury to any man for as long as he does injury

or fraud but on the contra-
ry he might by contentment & patience & by doing the
duty of his station faithfully to wait an opportunity
of being granted him of changing his station for a better —

" Nulla

" actus in modum

"

enjoy in a proper manner another man perhaps possesses these
talents in a very high degree but has no skill at all and

a pretence to distributive justice would in the first turn out
the lawful possessor & give the state to the thief who had a title
to manage it but then would be a very great crime & w^d
overturn all right among men to judge it is encroach-
ing on the business of Providence & making our false judges
of the world. It has induced upon a temptation to many
poor men to commit crimes that they conceived that

& perhaps would never miss "Exile damus off uti non
et multa perfunct et dominum fallunt & perfunct fur-
tis" That the law does not judge concerning any man
fit to enjoy property

to perpetrate which I will support in
all cases in the same manner in families the head may
often have many faults or weaknesses & may be guilty
of negligence & misadmanagement in some things

Station & rule only over
his own family the members of it ought not to disobey
or depend him nor to cast themselves into judges of
his conduct but they ought to submit to his government
& by patience & cetera turning
graceless which it would be wrong

minimal to the extent of relieving in the manner

Lecture 143 March 25 Thursday 1789.

Many children from false notions of distributive justice
from a conceit that they had a right to exercise it. I have
persuaded themselves that because their Parents had money enough
yet did not give them what in their opinion was sufficient
for their pleasure they might take it legally when they had
an opportunity. Such like notions have assailed many servants to
rob their masters because they thought that they were so rich
& covetous & did not give them sufficient rewards for their services
but it is easy to see that notions of this kind are the source of
all law night & properly & tend to destroy all justice whether
familial or state in which they prevail. Many undeluded &
deluded citizens in ^{new} England & America lately persuaded them-
selves that it was not just for all power was in the people
that any of them should be obliged to work for their living
while the servants & officers of the state whom they appointed
had more money than themselves who were their masters.
Men of this kind generally rest upon daily loose & false
notions of distributive justice & so make themselves believe
that it is not just that any public servant of the state

Should possess such liberties lawfully while any of the
people the lords & masters are exposed towards this cala-
mity. In the middle age the thought Eminent went about
redressing grievances & suffering justice according to
their best notions of honor & justice but they were so far
excusable because at that time the Roman power was
largely extinct & no form of stable government had
yet taken its place but to undertake to destroy an establish-
ed government especially one of our own making & to dispo-
se of our own choosing is a degree of infamy that is
without any example on the other side of the Atlantic
or for aught plainly any punishment can be sufficient if
men will not be subject to a government of their own making
or can't trust even for a single year. As for our choosing
it is manifest that a free & just government is not what
they are picturing but a total subversion of all law & jus-
tice which may give them an opportunity of enriching
themselves by the plunder of their neighbours "Quod proventus
a nobis fluctuat fortuna in gubernatione" In most
families among the ancients even to many among the
moderns a pair of servants can be found who have

never entered into any contract nor receive any
reward but are kept in servitude by force we mean if unfortu-
nate. ^{rare} Slaves the most degraded & unhappy of the human species
the existence of the species of servants though indeed a
reproach to human nature may be traced in most
nations to the most remote antiquity & appears
to have been one of the most early effects of ancient
civilization though they learned are not agreed as to the time
& manner in which the abominable institution was intro-
duced into the world. Some imagine that it was the
effect of a gradual corruption of spirituality by contrast
when poor men had found shelter & protection in the
formulas of the neck it is possible that they might be
so grateful for these benefits which were rendered more
agreeable by the circumstance of generous want as
masters to bargain for any reward from their mas-
ters not to think of leaving their families in which
they had found an asylum from want the hard treat-
ment of their masters might excite them to extreme
confidence so as to end their days in the family into
which they had voluntarily entered as servants & the

Some kind treatment might encourage them to
marry & their children being thus born in the family
& observing the manners & education which their Parents
yielded to the best of world converse from their tradition
the very same sentiments & habits naturally imbued all these attach-
ment to the family that a good man has to his native country none
of the same good treatment still continued a spirit of gratitude
added to the former attachment might induce the children to
continue in those families in which they were born & in effect
often the children that were born in a family might be
considered as from time obliged to remain in that family & ha-
ving no attachments elsewhere this obligation would be easily
admitted on their part there are many of mankind & in
age of simple manners there must have been many more
who by the association of their families the sanctity of their
ideas & their want of ambition will constantly have a ten-
dency to remain in any situation in which they can obtain
the ordinary comforts of life & escape of the sort in all ages
have been easiest made slaves & kept under subjection being
totally unconscious of any original rights & unable to esti-
mate the value of their labours or those of their parents

they might be easily made to believe that the price of
their whole life was little enough to compensate for their
abandonment in their tender years especially as they could have
no prospect of redemption after leaving their native family
other than that of entering into another of the same kind
or upon the same terms now under these circumstances
even if too poor to be confined always would always prefer
their native family to any other & considering their masters as
their just benefactors they would readily feel for them much
the same kind of affection that children do to their parents
when they are taught to love & even before they are ca-
pable of conceiving the nature of their relation to them or
how much they had done for them the manner in which
attent possession has often come to be confined onto a
right in other cases gives great probability to the same
at least we know that the national slavery of the children
of Israel in Egypt commenced in this manner from
captivity a part of the kingdom & having at first only
the care of the things cattle they might probably be
led voluntarily to perform some other rather servile
more grateful work which at last came to be considered as

right & the whole race came to be esteemed the property
of government perhaps the resentment of the Egyptians for
the awful ministry - of Joseph who during the years
of famine had rendered himself King absolute and imposed
a land-tax of 20 per cent on all the subjects might
have contributed something to this event for the danger not
knowing Joseph might only be understood after having
forgot the price which he did to the crown for there never
was a King of Egypt since his time who literally did not
know Joseph & perhaps not a single Egyptian has known
in Egypt to this day & every useful work in that kingdom
is attributed to him & every thing that is bad is ascribed to
Pharaoh which too the learned Monks that Bishop of Rosetta
to imagine that Joseph was the Egyptian
Oferis when captain D'Arbuthnot travelled into Egypt about 180
years ago he was advised to take the name of Joseph which
was of very great use to him & freed him in a great measure
from the intolerance & persecutions with which the pagans of that country are apt to
treat strangers but to return the more prevailing opinion
concerning the origin of domestic slavery is that it took its rise
from war & that when prisoners were taken in the field which
perhaps was not the case but first an exterminating war was more

probably the debt that has been incurred on condition of
their becoming slaves to the conquerors with all their whole
people. There is no doubt that the ancient of the origin of slavery
is that they were called from great servitude because
they were confined in the field but the origin of slavery was
probably far more ancient than any word of the Latin
language or even the Greek which is over many ages
It was an ancient idea that the - conquered were entirely at
the discretion of the conquerors who might either spare them
or kill them as they pleased — When Livy tells us that
according to the most ancient tradition after the sack of
Troy all the Trojans that fell into the hands of the Greeks
were slain except Hector & Andromach with a few of their slaves.
Hector & young children were probably the first slaves kept
being often found upon the ruins of Troy when Homer
mentions the taking of a city he generally mentions at the
same time the extermination of all the male inhabitants
When Voltaire says to Alcinous —

"Eliotes me

"Eliotes me

And in great of time even men in arms were found in
the full condition of becoming slaves to the conquerors

It is very probable that both the practice of selling
• that of selling Prisoners continued to be customary at
the same time according to the different characters or dispo-
sition of the conquerors but the policy of selling prisoners
was introduced much more early in the East as the
King of Elam carried away captive the inhabitants
of the City of the plain of Jordan instead of putting
them to the sword. It is also probable that avarice rather
than Humanity first dictated the measure of selling
the conquered "Vnde can. p. p. captivum oviden n. li
"Servat utitur sine castidinis artibus
"Et argit et audis Elmal mercator in undis

But when the practice was once introduced it soon became
general & those who were captured from foreign lands became
Slaves & were subject to all the laws of property & came
to be considered as mere tools or inanimate matter in the face
of prejudice & custom that assisted down him to be ^{have} sensible
of the unlafulness & injustice of Slavery but thinks that
some men were born to be slaves for the same reason
most of y^e ancients were of the same sentiment & it
was easy to quote many modern who are yet no less
ancient in this head
Humanity which exists in some degree even among Barbarians
sometimes produced some small relief & softening to the condition
of slaves in some countries particularly in Athens but for

the most part this exhibition was only such as could be
expected from men of mean souls engaged with absolute
authority now the man who can consent to be unjust
is ashamed to lay any claim to humanity to them.
You must consider those whom he has in his power as
having no rights at all of their own & entirely at his dis-
cretion it is indeed impossible creating an insult upon
human nature to address any argument to prove the
unlawfulness of Slavery but aware & enterprising I have
so much blinded the generality of men that they are not
capable of following the force of any argument adduced for na-
tural liberty against their own interest but 7 years of hard
servitude in Algiers which every friend of justice & humanity
woud hardly suffer them woud enlighten them understand
more men than all the arguments that could be adduced
a person of virtue & honor woud need only to try the influ-
ence of slavery by the important maxim "Quod libe-
ri non est alteri in fideis" — & when he
considered how unjust it woud be in his opinion for anyone
to make him a slave he woud conclude without hesitation
that it must necessarily be as unlawful for him to make

a slave, any other without designing to enquire any farther but aware & unjustly with the justice of all ages have made some men confident enough to defend an institution which none of themselves think just, it is tender to themselves for we have never yet heard of any slaves who ^{wrote in defence} of slavery though they of all others must be best acquainted with the happiness of that state where some of their worthless masters have shewn the impudence to pretend to defend in ^{publications} scandalous way some of them have even had the assurance to bring in divine revelation as countenancing that vice & endeavored to defend the institution of slavery by arguments from holy scriptures it is true indeed that the laws were permitted by their laws to buy slaves & even to buy their own countrymen when they had become bankrupt for a limited time when the true religion was confined to one family God permitted the patriarchs & their descendants to buy slaves for domestic service whom they were obliged to educate in the true religion & because the souls of men are more valuable to God than their liberties this given an admirable lesson to many who were already in the state of slavery but the pagan law justifying & regulating slavery by making it the property of a person who had not the right to leave his master when the term of his service was expired the bearing their case & sentencing them to slavery by the judges bears a sufficient testimony against that institution.

This sentence was inflicted only upon those who
defied it but the Jews were expressly forbidden to use it a justice
law to the master who had led to them for refuge they therefore
they were neither allowed to give up nor to explain but the au-
thor of this law or the great compiler of Jewish Law or
a free man & orders him to be treated accordingly what of
itself is a sufficient testimony that slavery is contrary to the Law of
God as well as to natural justice which is the work of his Law
now if a Slave becomes in justice the property of his master
either by conquest robbery or purchase it would have been
contrary to natural justice to have detained them from their
lawful proprietors because that which is contrary to natural
justice cannot be the object of a divine precept

Now as the Jews were expressly forbidden to give slaves
back to their masters enjoined to protect them it must be vi-
dent that the institution of slavery is contrary to the divine law
and to the law of nature In the new testament indeed we ex-
press prohibition of slavery by name is to be found but when we
read these words of our Lord "whatsoever things ye would that
men should do unto you do ye also even so unto them for this
is the law & the prophets" We utterly impossible even for the most
bigoted Slave monger to understand them in a consistency wth
that institution as many slaves were converted in the
beginning of Christianity they were not enjoined by the

Apostle to insist on this point though it was
expressly declared that he who was called being a slave was
Lord's freeman
the only left it should have occasioned a general
prohibition of slaves from hearing the gospel & so ben-
dred the conversion of great numbers of the slaveholders
have also quoted the Epistle to Philemon, because the
apostle sends back Onesimus his fugitive slave to Phile-
mon his former master from which they endeavour to argue
that he sent him back to continue in slavery though the
epistle says expressly that he was not now to be received
as a servant & when the apostle commands Philemon to
receive Onesimus as himself he could not surely mean if
he was to make him his ^{slave} Paul knew much better the ex-
tended of a Roman citizen than to offer himself on the slave
of any man we will not dispute moral science by
pretending to lay down the duties of masters & slaves any
more than we would deign to give directions concerning it
if any other

Noting goods & a society that
was founded by justice & injustice is totally incompatible wth
friendship justice benevolence & gratitude

cannot be the object of moral rules mixed with
any other whatever Slavery debases the mind excites
dispar confidence insolence hatred & resentment but it
cannot possibly produce love friendship & grate-
tude who can possibly have any doubt whether slavery

debase the mind of the slave or that of the
the master. To the greatest degree much ought to
said on both sides like the Roman Soldier that were
chained to their captives for the sake of purity both of them
might may be said to be in equal bondage & aware of the
love of tyranny but the master as firmly on fear or mean-
ness of spirit can tie the slave so that though they hate
one another mortally yet neither of them have courage to
think of parting. The people called Quakers
have had the honor of being the first Society who have felt the
force of truth in this instance & disowned the right of man-
kind by the light within them but still honest and
unwavering individuals were always of the same opinion from
the beginning of things. Other State indeed has had the honor
the law does not know yet when it may be called just, ^{= trying} of man-
a law pointing towards a at a great distance at the
abolition of slavery but not fully endorsing the path
of the promise the law appoints nobody whatsoever to
carry it into execution & may probably prove a favori-
tism as the law for the observance of the sabbath; besides
the negroes know nothing of it & in the course of 21
years, if the principles will have many opportunities
to regain the respondent but if a sense of honor justice

humanity could be really introduced
early mischief & distress & afflictions incident would
be fallen upon to abolish forever an institution which
which at last must be fatal to all hopes of improvement
& must render these states more gangs or a situation of
misery & men cannot be members of a family ha-
ving no bond no family except at the price of quality &
being therefore incapable of gratitude as well as not bound
to it their situation being entirely forced & unnatural cannot
be enforced by the sanction of duty & the master having no
right whatever to obedience can ^{not be persuaded to be guided} by any other maxims in
the use of their power than by those of force & injustice by which
it was first acquired for with regard to purchase money its perfectly
indulgent & disgraceful to human reason to think that the laws
of nature can be altered by any thing of that kind or that the
liberty of a man can be in the least assailed by a piece of money
which is paid by one ^{individual} to another In enumerating
the duties referred to probity or justice or its largest application
are purposely ^{omitted} Friendship as belonging properly to Economics
& indeed we might have mentioned it first of all under that
head as the common basis of domestic society which in itself
is susceptible of very little pleasure or happiness but we
chose to reserve it to the last place as containing in it

the substance of what all domestic relations owe to each
other — Friendship is the beneficence of private parties
proceeding from mixture of particular affections & attachment we
owe benevolence to all men as well as other beneficence when
affectionately mixed but Friendship is a species of Benevolence
& beneficence which is prompted not solely from a regard
to the human form but by some peculiar qualities of
the object of it Friendship constitutes a relation which is often
found to be stronger than many of those which are constituted
by nature itself & it follows so closely from certain qualities
whether natural or moral which appear pleasing useful
& estimable similarity of manners is necessary to consti-
tute friendship though not always similarity of humors
but when both these concur the attachment is closer formed
& more apt to last accordingly the young & the old the grave
& the gay ^{every} the rich & the poor may be united by the bond of
friendship many of the antient philosophers very extra-
vagantly notion of Friendship & imagine that it could not exist
except between those persons perfectly similar in taste humors
& manner & excluded ^{even} a third person from the same degree
of affection but they speak of ^{friendship} in a high degree that it could be
supposed to exist & consequently rather disapproved than
admitted it by the very high terms in which they expressed

(They mention -
themselves on the subject here almost all those a horri-
as I read an only in parts. Thebes & Panthous Orpheus
and Plegades - Damon & Pythias, are almost all of them
dign to mention as belonging to the perfect class of persons
but the ancients were more enthusiastic in methodists
methodists in point of Friendship & perhaps did it a
little sooner by the high things which they have said of
as they others have done to religious by extending that
perfection was attainable in the present

Lecture 14th March the 26th 1799.

What was truly commendable in the doctrine of the
Ancients concerning Friendship was that they uniformly held that
virtue was necessary as the Basis of it & that this kind of connec-
tion was proper only to good men "Idem velle et nolle in omnibus
est prima amicitiae quae inter bonos aptissima apparatus inter
miles factio" Union of affluence in vice is not only a bad
principle as being adverse to justice & the good of society; but
it is likewise very precarious; because man is naturally a selfish &
dividing creature & cannot connect more any longer than their
interests are connected so that that connection which is formed
by accident is often broken in a short time by accident time or
constant humor walking & casual association none of which

can acquire true or virtuous friendship. Friendship may
indeed be termed the attraction a common of virtuous minds, by
which they are not only brought together but kept together in a
much closer society than others are susceptible of. Among
natural Bodies those which attract each other in the greatest
number of points are capable of the strongest attraction. For
instance those nations that possess the greatest number of
advantages to each other are capable of the strongest friendship
inasmuch as men may be capable of strong friendship to each other
they must be common friends & lovers of virtue. "Subest uni equales
virtute. Aequales amicitia." Nothing is capable of various
degrees & modifications according to the temper, talents & talents of
the parties between whom it exists. We have mentioned it as the
groundwork of all the domestic relations in those which that
which is peculiar to them cannot be performed or depended upon.
It were easy to illustrate & to confirm the observation by applying
it generally to each of them. The relation of husband & wife
e.g. cannot be a happy one nor can the duties of husband &
wife uniformly & heartily performed without including virtuous
friendship in its basis. A man's sense of duty or mutual interest
or the effect of personal qualities & external endowments are

totally sufficient for maintaining that degree of affection
that is necessary to constitute the happiness of this relation
The great intimacy which subsists in it must discover ma-
ny latent dispositions & excite such casual provocations &
offences as nothing except a sincere friendship could possibly
bear or prevent from ripening into a rupture. Friendship
like the ground colour in dying pictures succeeds the
glaze & splendour of all the domestic affections & prevents
their extinction from secret dissensions or external causes now as
Friendship is the cement of virtuous characters every good man
must be capable of it with regard to every other good man
in proportion to the degree of merit which he ascribes him to
the degree of a man's merit is not only the measure of the friendship
which determines that degree of it which we ought to have to each
but it is generally the producing or operating cause of it at the
beginning we may indeed feel certain unreasonable attraction
towards the attractions to persons whom we are very little acquaint-
ed with but these cannot be called friendship; but only sympathy
or liking unless we are persuaded on good information that they
are persons of virtue & honor. The peculiar & singular situation is
the matrimonial affection makes its object as well as the

entire confidence that is implied in that relation
renders the opinion a persuasion of each others virtue
a mutually necessary for the happiness of the parties concerned
in it now the duties of Friendship are so similar to
those of the matrimonial relation that the one may be
properly illustrated & explained by the other. Indeed they
differently indigene in the singularity of their object in
which latter respect some of the ancients did not
misdiscern them. because they held that the relation
of Friendship is well as that of matrimony could
exist only between two persons. Gradualude & good
offices give & strengthen that Friendship which
similitude of manners first constitutes an interchange
of good offices is not only useful for the pursuit of justice
but for strengthening the friendly affection. Hence the ancients
recommenced Friendship to be a kind of virtue or exultancy
in itself on account of that elevation & dignity of mind
which is necessary to suggest the higher degrees of it
but although Friendship is not in itself a moral
exultancy as the ancients imagined, yet a capacity
for friendship certainly is so. now a virtuous disposi-
tion & a capacity for friendship are one & the

same thing Friendship like matrimony constitutes
a community of interests & a reciprocity of affections
it likewise requires mutual indulgence candor and sym-
pathy a right to continue notwithstanding all actions
& changes of fortune. It is founded on personal qualities
& has virtue & honor for its basis but Friendship though
no virtue in itself is nevertheless a most valuable
consequence relative to the subject & the object of it a
friendly disposition implies virtue & moral excellence &
to the degree of the friendship of the virtuous implies
our being possessors of that quality. now a very excellent
quality is laid claim to by many Hypocrites & con-
fess the world of men not only have their Friends, but
sometimes even pretend to be friends to the virtuous in
order to cultivate honor to themselves as the equality that
is requisite to be employed in Friendship belongs only to
the man & a higher degree of it it may therefore
be the cement of the relation of Parents & children
as well as that of the children of the same family &
over laborer masters & servants as we have observed
already that fortune has no share in this kind of con-

mutual similarity of manners may be expected in
families though it is not always found & when the
latter is the case the relation & affection will be unsupportable
"Parum quicquid pacis rursus est" But when found
they concur with the relation & affection the case is other
wise As Friendship admits of degrees & all men are not
equally qualified for it the allowing each of our virtues
a greater value than a share in our Friendship is pro-
portionate to their value appears to be just & equitable -
Benevolent action conciliates friendship according to its
freedom nature & circumstances & a great deal is ad-
ded to their weight & obligation by the manner in which
they are performed now friendship not only strengthens
& supports domestic affection & relations; but it con-
tributes to strength by turning over them & by
uniting hostile families & persons who had no attachment
to each other. The close society of the domestic life & the
familiarity arising from it necessarily requires the cement of
Friendship otherwise the mutual disputes & little interferences
that may arise among men relations, might degenerate
into hatred & render the relation most unsupportable & uncon-

fortitude. Master & Servants are not only capable of mutual
friendship; but friendship is even more common perhaps
between them than some other of the domestic relations &
in all well ordered families their friendship is not only real
& reciprocal but extremely lasting & attended with many
inconspicuous that prove its sincerity. The friends of monarchs
must all be chosen from among their servants among of their
subjects and perhaps to be equal to them in rank. The
performance of contracts & covenants for service though it is an
act of justice is not with standing justly reckoned meritorious
& a production of a degree of Friendship but that which
most effectually consolidates it especially liberal unequal
relations is either a certain manner of acting that in-
dicates personal affection or will in a sense of Justice or
certain words of prerogation which cannot be de-
manded in justice now both these are presumptions of wisdom
of excellence & virtuous affection or that light may be
consultatory a production of Friendship. Slaves cannot
be members of a family because they are totally unsuscepti-
ble of friendly affections. Indeed their masters & those in
their turn are no less unsusceptible of friendly affections.

towards them a retaliation that is entirely constituted by
force or fraud is only a continuation of hostility & accord-
ingly it was considered among the ancients in this very
light Slaves were considered as prisoners though some-
times at large & sometimes chained. Those who served as
porters were chained to the doors which they bore a gra-
deal slaves in the country generally wrought in fetters la-
bored by the Roman law all the slaves of a family were
answerable for each others fidelity because when their mas-
ter was slain all of them without exception though sometimes
amounting to many hundreds were immediately put to death
without any trial or enquiry & they were liable to be
bound if they were suspected of the least design against their
master or of possessing any thing in the house. The Roman expelled
no fidelity from the order of servants & justly considered
them incapable of friendship because their supposed relation
to their masters was destitute of justice & hostile to virtue
& therefore wholly incapable of being cemented by friend-
ship. The law of Jamaica at the day made it a ca-
pital crime for slaves men to touch fire arms least
they should have the use of them & deprive themselves
now of the Roman had conceived that it was possible

for Slaves to be friends to their masters they could never
have made them susceptible for one another which in
any great families much augmented the misery & ter-
ror of their unhappy condition because every one of them
was then exposed to suffering not only from the barbarous
passions of masters & regard to them & slave but in consequence
of those passions that were excited by others as well
as by the conduct of all the rest. Transport affections & ten-
sion of kindness may indeed be consistent with the state
of Slavery. The greatest Barbarian is not always a brute
but may sometimes be subject to great fits of something
that resembles good nature hence even Indians have
families who adopt their prisoners & many polite gentle-
men of Jamaica have given the delicacy of their taste
by choosing negro slaves for their mistresses. Most would
however be that the fiercest affections alone are
consistent with the state of Slavery. The Savage wants
one to assist him in hunting in place of his rule.
tion who is plain & the Jamaica Planter is a slave
to his what matter ever his haughtiness & avarice
quels to it for a time, but as slaves & their masters are
incompatible incapable of mutual esteem by the very

Effects of nature they must also be inseparable from
Slaves being introduced by force cannot be supposed of the
domestic affections & accordingly all their affections can only be
the effect of fear or constrained hospitality. To live in the
midst of slaves very much resembles a certain kind of
dance that was known among the ancients which was
performed amidst the points of naked swords, and which tho
it should quite destroy yet is still a situation ex
tremely dangerous & on these accounts especially to a
wise or virtuous man. our Lord represents it as the
most miserable situation that one can possibly be in when
when he says are these of his own household but the slave-
monger makes choice of this any situation & lives voluntarily
though not indeed purely in the midst of his enemies. Social
is hatred, massed resentment & remembrance of injuries &
unmended injuries amongst continually rankle the minds of slaves
& ensure that hatred which masters in the highest degree
of strength & those persons continually working ought to
be conceived as so many barrels of gunpowder in a family
which though harmless while kept at a distance from
the spark the least spark may animate to destruction
but slave mongers without being aware are however de-

to mend any thus aware to live respectfully among
their enemies provided they can engage them by ties in
the service of their luxury & avarice virtuous and -

educated minds are naturally turned to
sympathy & always seeking for subjects of virtuous affliction.
The very thoughts of native malice & resentment are disagre-
able to them & the defects that excite them must be of
consequence that elevation & sense of dignity which is proper
to virtuous minds would not suffer them even to suspect of
sinners which was not dictated by duty & affection far
less would they choose to receive sinners that cannot properly
be dictated by either a state that a full of enemies can neither be
said to be pure flourishing nor well governed & the very same
observation equally applies to a family. To be educated among
those whom we deeply pity & to be accustomed from our
tender years to the exercise of virtuous affections is a preparation
for friendship, justice & beneficence.

Lecture 145, March the 26th 1789

On the other hand those who are educated in the exercise of contempt ha-
bit, injustice, tyranny & oppression are ready to show the same affections &
be guilty of the same misbehaviour towards their equals tho' not in their
power & consequently have a necessary tendency to be bad members
of society. Tyranny & Slavery are correlative & cannot exist without
each other. Tyranny is necessary to retain slaves in perpetual terror &

though submission is necessary to him Tyrant in tolerable good
 humor. The Lure is mighty good says the proverb when he is
 well pleased & in the same manner a Tyrant when he desires
 an occasion by the effusion of his slave sometimes suppress his
 rage & exhibits for a little time some appearance of humanity of hu-
 man nature untill he is excited by provocation when he immedi-
 ately assumes the Barbarian in the same manner beasts of prey
 have sometimes been tamed to a considerable degree by gentle usage
 but the sight of blood or the least rough treatment is enough to excite
 their savage nature & original ferocity. The most generous constrain-
 d friend of friendship is if we take plain lecturers persons who are entirely
 independant of each other. The ties of nature indeed are no obstacle to
 friendship but ought on the contrary to be an excitement to it we may
 reasonably expect to gain the esteem & good will of those who are alrea-
 dy connected with us by ties of nature easier than those of others & the
 matrimonial contract enlarges our honor & good faith on y^e side of friend-
 ship good offices as well as by the personal qualities which comeli-
 cated at first ingratitudes is fatal to friendship though the high-
 er degrees of it will bear with pending inflammation of a natural
 affection will also sometimes bear with many ungrateful returns
 though each of these ——— naturally tends to ex-
 tend the friendship a natural affection & personal qualities
 or hypocritical & artful pretensions to virtue will sometimes con-
 siderable friendship to the smooth but ingratitudes discovering
 the baseness of these faults the attachment that was easily con-
 tracted vanishes immediately. Friendship in its higher degrees
 implies such a free communication of our sentiments as the gene-
 ralness of the friendship is to be distinguished from that of a particular person

and the intercourse of good

& hundreds but not regard to those who are original

quality of mankind are very unfit for & therefore the degrees of
friendship are only proper for elevated minds that are possessed
of wisdom generally & disinterested as well as sincere affections &
similarity of manners. The friendships of youth are common-
ly sincere & often warm; but sometimes injudicious & rarely
firm & lasting; but when virtuous & elevated souls of similar
manners happily meet in youth their friendships are apt
to be the most lasting of all & acquire incredible strength from
age & continued conversations with the virtuous who are often great
pretenders to friendship are of the most dangerous consequence to
youth & the closer the friend that these conversations are
the greater must be the evil that will necessarily grow from
them. virtuous men may indeed have some secret qualities
& the resemblance of some vices which may catch the un-
wary but they are utterly unequalled while they continue
watched for a virtuous friend his falsehood & treachery in
particular as well as the strong appearance of a selfish spirit
are deadly & fatal to friendship. It is not indeed a favorable
symptom in youth to be of a suspicious temper yet in choosing
their friends reason requires that they should proceed with
just caution a person who demands all regards & who ex-

such that we should honor them with our entire confidence
all at once may be very justly objects of a design to abstain
because it is quite contrary to good breeding to deliver the secrets
of any thing which others do not wish to communi-
cate to us & when the communication of a secret is evidently
dependent wholly on design rather than friendship may be sup-
posed to be the motive of such a proceeding. Several mention
it as one of the bad practices of the Roman's that they used
to pry into the secrets of families in order to be drawn in to mix
with better usage lest they should divulge what they know -

"Sive voluit secreta damus alyce

"Nam spongia ardet par piperina

The Latin design young persons should suggest in their dis-
course a great fondness to be acquainted with their friends of
passion & is desirably noted that young persons should have a
great secret as respects least such is the conduct of human
life that there are always many things relating to every
one which it would be both imprudent & dangerous to divulge
to others & the safest course that we can take with regard
to those is to conceal them from all without interruption when
we recommend to you to beware of secrets there means only
of such things as are communicated to some & not to others

your moral conduct especially ought men. to be a virtuous
young person are engaged together — in base disgraceful
& unbecoming jockey become a runaway band of thieves
in order to spare their purses as well as to defend them
from detection & punishment but when a young man is en-
gaged in any lawful pursuit or enterprise together with
others there will be no fear of mischief for knowing that a point
is for apprehending or discovering

"Criminum me tu allis unquam

"Commisumque tiges et vens tortus et ira."

What though we ought not to pry into the secrets of others yet
if they voluntarily intrust us with any thing in confidence we
ought in justice as well as friendship to keep it secret
if not a conduct inconsistent with ours & the right of others
The excellency of a generous mind is this that it is not
possessed with the abuse even an indignant & improper
confidence that we tell their own secrets can claim directly
complain of them for divulging them because when they
have not been faithful to themselves they ought not to be
proud that others have not been faithful to them. A famous
philosopher in the last age proposed a manuscript of Plato very
much in order to get an important secret out of him
telling him at the same time for his encouragement that

be minded to under an apprehension that the matter stands as
any justice so you can say it, don't say the Statesman yes
say the Bishop I can respect the minister & still the more
we can only say of the person who qualifies a friend entrusted
to him that he is a disciple of fidelity generosity & prudence
as well as of strength of mind which is the necessary qualification
for the higher degree of friendship, but in the ordinary commerce
of friend in which there are always so many complaints
the person who tells his own secret is commonly the first offender
& the betrayer of it only the second person who is given to anger
& subject to sudden gusts of passion are any improper friends
because their affections cannot be lasting & whatever is en-
trusted to them they are sure to lose in the very first provocation
Pride & haughtiness are likewise inconsistent with friend-
ship because a proud man will never think himself suf-
ficiently gratified nor be contented that others are duly
sensible of the honor of his friendship besides he will be
apt to exact such servile compliances by way of test of
friendship as a generous mind is incapable of submitting to
Friendship betwixt those who are

levelled. though it cannot
annihilate either the distinctions of nature or those of for-

men must however assist little upon them & bring
them into view as little as is possible the view
of these distinctions & various kinds commonly of fine
& tender & generous & for the reason of that & ambi-
tion men though they are extremely sensible of the distinction
of fortune will however take care to behave with great
regard to those which unless they want to leave themselves
in their conduct the appearance of real friendship which
is jealous & impatient of superiority & difference of talents
may likewise be consistent with friendship as will an
inequality of fortune but the same caution must be
observed by the person who has the superiority as in the
former case. Intemperance of every kind is an utter
disqualification for friendship & though some drunken
friendships may continue to much warmth & intimacy
they commonly end in fighting in a very short time &
then at the very same meeting in which they commen-
ced but the more animal propensities of love & topors
is by no means disjunct of the name of friendship
& commonly depends entirely on the length of the duration
with which it was at first contracted & generally wa-

perating along with it. Soules of Dabachus & an-
other persons cannot admit of friendship though they
may extinguish animosity & jealousy for a time by com-
mon injuries but mutual respect is found soon put an end
to them & they die a natural death in a duel. Prob-
bers & gamblers after getting to be men of home & will
express very high degree of friendship with others yet
the latter of these will calmly see his friend plume
when his good luck has forsaken him & the first will
often imbricate his

the needs. Young people often times do not
consider the qualities of character of those with whom they unite
in friendship & are little sensible of the importance of their
choice which with the cause of the eternally short continuance
of the friendships which they contract. A virtuous friendship
constitutes a particular relation those that are connected
in this way ought not to consider their persons as enti-
tled to equal treatment with their friends though they
will always be just & in a certain degree kind to all. The
assistance that is afforded by friends to each other ought
always to be ready free & unobscured justice only when
it is attended with these circumstances that I can be paid

to grow from
to be selected although it be immorally granted it aids
may be said to grow from a regard to duty rather
than from kindness men have very unequal conceptions
of what is to be expected from friendship but those
who are well assorted together will not be apt to
mistake in the particular the reality & warmth
of the affection is the best instructor & most able to in-
form us what we ought to do in consequence of it, but
where this is wanting all rules & definitions will be
found entirely

show himself friendly what we
would expect ourselves we ought readily to afford to others
& if we do not feel ourselves capable of the duties of
friendship we ought not to be surprised nor to complain
that others are equally incapable of them.

to request a. a test of friendship. The Law of morality
will therefore be the same to every virtuous person as the
law of nature & propriety & he will show himself in-
capable of transgressing them in any instance or on any
pretence whatever true friendship will teach us to re-
spect the honor & character of our friends much more than
their humors or personal interests. We will even lead us to
suffer thus displease in order to preserve their in-
guity & reputation a base & servile complaisance is no
part of virtuous friendship. A shop will rather perfect
or expect it show frequently by this that they do not
know when in true friendship consists. Avarice is it is ut-
terly incompatible with generosity & friendship like-
wise disqualifies men for friendship. The covetous man
at best can only consider friendship as a particular
kind of trade which he may turn to his own advan-
tage at the expense of others. It is therefore a men-
dacious game for any one to enter into engagements of
friendship with men of this sort because they cannot
continue any longer than they gave by the bargain

The courtiers.

may decline off & then he shall nothing can oblige him
to part with his money now although true friendship
has the mutual interest of the parties for its end & judge
is not the charge which I may put them to yet
it regards the views & contemplation of interest
when it is made the chief motive for entering into friendship

Conclusion

- 11 Simpura cum fluenti rubula folis eris
- 12 Diffidentia cadit
- 13 Vere jugum praeter

Persons of great fortunes are exposed to having many
to them solely
from views of advantage merchants & ministers of state
are still more unhappy because nobody approaches them
except in order to ask something perhaps it might be with
a view of buying off the hand of pounds that the policy of
Eastern Princes have all ages set a gentry right tax upon
their audience & appearance of themselves by exacting
that none shall approach them who do not bring a consider-
able present along with them now by this means they not
only get wholly rid of those who have nothing to give which
is by far the greatest number but of those who cannot part

with any thing nor trust the least part of their property
out of their own hands & of that liberality an incapable
besides by this manner of proceed-

ing they put it in their own power to gratify some at
the expense of others & to give a great many presents with-
out being at the smallest expense. Suppose a person who
voluntarily brings a present is not entitled in justice
to expect one in return nothing is fairer than a
gift as the proverb has it & no propriety is more fairly
& completely transferr'd than what is done in this way
if any one intended to abuse dominion by a present
in hopes to obtain a greater nothing is fairer or easier
than to deceive their expectations by shewing them that
they are not to expect to follow their example. Suppose
a man for ought not to despise friendship though vice
is a sufficient ground even for renouncing it besides
all these considerations what if they had been human
they would have hinder'd us from entering into
friendship when they come to be sincerely fully war-
rant in to separate from those whom

in fidelity to se-
parate from those who have drawn us into
into their friendship by assuming appearances
foreign to their real character. Augustus once defended
the cause of a most infamous man merely because he
had been his friend when he had different thoughts of
him. Ambition & the spirit of party is the greatest disqualifi-
cation for friendship. Selfish passions control the mind
& whatever appearances they may assume can have no
other or higher interest in view. An ambitious man is devoted
only to his own interest & to the service of his party & not
friendship or rather the pretence of it merely as a means
to increase the number of his followers or as a step upon
which he may rise higher than others. We benefit from such
a person as considerably only as retaining fees for unlimited
services & those who wish to preserve the friendship of the
ambitious must rather be nice in their moral taste nor
boast of their honor & reputation because the basest
service will often be required of them & the greatest sacrifice
must be made on their part. But a person of great virtue
will have at the utmost distance from all friendships of
this kind. The object of an ambitious man is to prosper
& aggrandize himself but he is not apt to be generous.

in the choice of the means that may contribute to the
end & will choose the most certain & efficacious rather
than the most just & honorable yet when such men meet
with companions of the same character their conviction
will sometimes have many of the appearances of virtue
our friendship as the one will not be ready to demand
any service than the other will be to perform it but the
foundation of this base & selfish one ^{is} the idea of its dura-
tion may be very short if the master becomes incapable of
caring for his tool or if the tool becomes useless to his mas-
ter they one will soon get tired not to know the other
how long since they have been acquainted or how intimate
soever they may have been Virtue's perfect duty & credit &
dignity from their friendship & will never contract any
conviction which they will have reason to disavow or
to be ashamed of we in some measure partake of that worth
which we have the sense to value according to the grasping
nature man an will worth depending according to that
of Cicero "pro Pulcrum est laudari a laudato viro."

In Stating the Sanctions under which external
we are assisted at large
on the sanction of duty as decided into those of religion

that of compulsion law or property belonging to the place
in which we propose to treat of *Politics* is the

Although all mankind are originally of one family
yet when their number was greatly multiplied they could
not be long governed in that manner. The head of the
family began to exercise a civil jurisdiction & pro-
mulge laws & rules.

Law of political society which in-
stantly joined it the patriarchal. Sir Robert Filmer
has endeavored to show not only that the primitive govern-
ment of the world was patriarchal which need not be
doubted but that Adam & afterwards Noah left
to their posterity

as if the same law of succession had been established from
the beginning which took place afterwards because in
very early periods of time the first born had particular
privileges the chief of which Sir Robert continues
was an

were obliged in conscience to submit but as undoubtedly

he has given us in them by which we might dis-
cern through all their of Adam

good natured as to believe not even to the monarchs of the
earth themselves unless they could show that they sent
in a direct line of Descent from the eldest son of their
of Adam or Noah. Has indicated
to supply this defect in favor of the Royal family of France
in his treatise on the antiquity of nations & the superiority
of tongues

The Abbe was labouring with no less diligence
to establish his right to that part of which he was in
quest by endeavoring to derive his descent in a right
line of descent from Joseph

But leaving these visionary schemes which have
no foundation in nature or history it must be acknowledged that
the original government of human societies was patriarchal because
families are more ancient than kingdoms or states. Natural
affection & legal succession must have been the foundation of
patriarchal authority & the commands or injunctions of the head of

the family would be reverently & readily submitted to by all his dependants but when families had multiplied into many other families & when their habitations were removed to a great distance from the residence of the Patriarch & especially after that flood when the period of human life became more contracted families became gradually more estranged from each other so that the very traditional knowledge of their common origin came to be forgotten among the greater part of them if the laws of mankind had always consisted of several centuries of Pedigrees had been duly kept & correspondents regularly supplied the world would never have needed any other government than the patriarchal accordingly during the period that elapsed from the creation to the flood it does not appear that any other sort of government than the patriarchal was established or thought of in the world. Cain having forfeited the privileges of primogeniture by the murder of his Brother the right of patriarchal dignity which then was equal to jurisdiction devolved to him who overcame or appointed instead of Able yet even the race of Cain appears to have lived under the same kind of government & the mixture of the two races produced their Giants or Goliath men who filled the Earth with violence & bloodshed & were the general deluge; but when families were widely dispersed & languages divided & the

period of human life greatly shortened general commu-
nication became impracticable & consequently the me-
mory of their original Position would rapidly decay among
the numerous & scattered tribes of the kindred mind the
tradition

completely yet contain a no monument whatever devised
for perpetuating the memory of past transactions. The Patriarchal
government however as being the most direct & natural &
the only one hitherto thought of would continue of course among
these scattered families but human & selfish interference of distrust
& mutual injuries would soon excite them to deeds of violence &
which would immediately ensue for others among a wide & igno-
rant people till great distresses & conflicts with
fla. was made among the new settlers contending
for their patrimony possessions & confessions necessary security
& natural relation as well as common suffering would combine
in forming various alliances both among the injured & inju-
ring tribes probably resentment would not suffer either of
these to withdraw their hostilities from each other till
forced by extremity & in choosing chiefs to conduct their
expeditions they would naturally be led to prefer strength
& courage to age & experience which might gradually intro-

due Ministry Government through the officers of magistracy
might have been somewhat differently ordered in different
places of their dispersion.

introduced attitudes by violence content
or multiply the power that was set up to hinder
effectual means for securing the common & particular rights
& to prevent these injuries from happening on equal footing for
availing what they had intended intent. The sanctions of com-
pulsion laws are any forcible means employed by men to unde-
cote their own rights & those of others as men an unequally
influenced by their passion & when under their dominions very
little possible of the rights of others. It could not be expected that
they could be long kept in their duty by a reverence of author-
ity.

Had been trans-
ferred from the natural father to the political chief or
governor men therefore must have been taught to com-
pete to respect the rights of others who were not just
generally capable of the sanctions of duty & though though ex-
ternally simple at first must have been the first element
of compulsory law which supposed that men are well enough
informed of their duty but refuse to comply with it from
pride of standing or a desire of hurting others. now force

is the only mode of instruction of which the people are ca-
pable who recognize the dominion of reason & therefore
the rights of others but in order to induce this faculty in general
to concern in this application of violence. The demand of the
offending party must have been very clear & such a
wound conscience very obnoxious to the justice of the just
the punishment. The principle of compulsory law ought for this
reason to be so obvious that all men might be able
to distinguish between law & force a between rational &
legal authority a great plan of comfort must have a
place in the formation of the earliest government
even in those that owe their origin chiefly to violence
but one man could not properly use violence to a
number of others to induce them to become his followers
or subjects on the contrary he must have succeeded
with a considerable number in the way of persuasion
then have made use of their assistance to induce
the rest but when he had once established his authority
it immediately became his chief interest to protect & defend
that people that had submitted to him what could

only be done by laws duly enacted securing the rights
of each every person being entitled to defend himself & his
fellow creatures may resist any wrong instantly by force
as the prohibition of wrongs is the first compulsory law of
nature: now this being evident whenever a wrong
committed has a right by the law of nature to resist or re-
sist it: a the guilty person being supposed to be condemn-
ed by himself the avenger of wrongs may be considered as only
executing the natural law of self-defence or to be protecting
the rights of others: any article in the state of a man which
may be maintained by force is his right: now as it
is the objects of Politics & public Law to secure the rights of
communities & individuals the rights & the means
whereby they ought to be maintained must first be defined
& confirmed on which depends what conduct & rights may
be maintained by force: conduct required or prohibited under
the sanction of compulsory law is the subject of Jurispru-
dence the concepts of 2 parts the first of which relates to
rights: the 2^d to the duties of men: a right is such a
relation of a person to a thing that no alteration ought
to be made in it without his consent: now the term ought

in the definition implies a sentiment of moral

our actions & we
have naturally a sense of justice the motions of human conduct
even in the use of force are ultimately referred to the feelings
& judgments of the moral faculty which in all men ap-
pears of the preservation of rights & the preventing or
repelling of wrongs. The law of morality therefore is the
great foundation & source of compulsory law which it only
applies & carries into execution & if compulsory law is in-
correctly directed to any other end than the preservation
of rights & redressing wrongs & consequently is no law.
But the execution or application of moral law it belongs all
its title to reverence & becomes lawless violence a right
therefore is just a violation of a person's rights & is con-
firmed to the law of morality, & every man may defend
his right by violence in that account now in the state of na-
ture before the introduction of regular government the defense
of every man's rights & the redressing of his wrongs is com-
mitted entirely to himself & he ought to manage it ac-
cording to the best of his knowledge & power but as wrongs were
often committed which no single person or his family can

million or separate were all the world

in order to furnish a power
that might at all times be equal to the task of defending
its own right & redressing its own wrongs as well as those of
each individual but from the institution of civil govern-
ment the execution & execution of compulsory law is
entirely in the hands of the magistrate except only in such
cases when the right might be left & the wrong past

Meaning in
all which cases men are still in the state of nature & are
entitled to defend their right & redress their wrongs in the
best manner they are able & with such means as they
can procure Things are the constituents of a person or the
constituents of a persons state & to both these a man
may have particular rights his Body for instance is a
thing to which he has a right or constituents of his person &
his family persons & possessions are things that he has a
right to as constituents of his state. right in such a relation as
arises from distributive justice or the appointment of Providence
so that a man has a right to all that God has given him &
to all what he has acquired under the protection of his provi-
dence without encroaching on the right of others & therefore
he may maintain this right by force it being the object of

commutative justice & compensatory law to support all
those rights that are constituted by the distribution of
the gifts of providence & to redress all wrongs that are com-
mitted against those & regard to the rights of men is
comprehended in the law of self preservation combined
with the law of society or in other words the sentiment of
respect is inseparable from our disposition to preserve our-
selves & our fellow creatures wrong is a violation of right
now the moral sentiment arising from a sense of wrong
in our own case is exemplified by resentment & in that
of others by indignation which is conceived in the propo-
sition of guilt in one party & suffering in the other to defend
our rights therefore to redress our wrongs as well as
those of others is agreeable to the law of our nature & we
are determined to it by this as well as demanded by our natu-
ral sentiments in the execution of it no one can have a
right to that which is not possible or which is not real
to demand any thing of that kind therefore a mat-
ter of right is don't wrong and it is impossible that that
should be any man's right which cannot exist at all
or which is not in actual existence the right of any one

the claim of any other to the same thing a man's soul & Body being constitutions of his person are things to which he has an original primary natural & unalienable right & whatever things are necessary for the support or comfort in a consistency with the rights of others & the laws of nature he has a consequential right too which is really included in the first because a right to our soul & Body would be of no use or duration unless it comprehended a right to whatever necessary for continuing their union & making it comfortable accordingly every living man has a right to natural support as well as to natural life but he cannot have a right to use the property of others for that purpose unless in the case of extreme want & when other lawful means of procuring support either could not be had or had been used in vain thus in times of famine the state of nature returns & the right of property is suspended by necessity so that a man may then fight for the means of life & acquire them by force from those who are possessed of a superfluity the same state of nature returns on the occasion of shipwreck one may main

turn a glance or part of the thing

of his life against all men
even against the owner because it is the first intention
of nature that a man should preserve his own life with
all therefore that private rights should cease when the
common safety is in danger each individual should
to shift for himself the right of property an individual sacred
while they can be maintained in a consistency with the
primary & natural rights of others

nature ought not to
be maintained by force against primary or original rights
thus a person may have a good right of property to a
fountain of water but he can have no right in consequence
of this to hinder a stranger who is parched with thirst from
making use of it the right of property here becomes vi-
dualian &

of men & consequently it would be a wrong to
maintain it by force secondary or adventitious rights
therefore ought always to be considered as subordinate
to original ones

by force ought to
claim to all men that they may have both when
they are defending their own rights & when they are

wrong is supposed in law to know that he is doing so
because nature has given him an opportunity of know-
ing or must but though he may be so much wrong
the power of passion is not to be forgot that he
is doing wrong this does not in the least excuse him
nor hinder others from defending themselves a repetition
his attacks but he is then considered as a madman
who has lost the use of his reason & who therefore

injury -
This consideration is the foundation of all defence war
as well as that of legal process every man being allowed
by the law of nature to defend his own rights & those of others
negative innocents

is the first part of our duty to the public which is enjoined
under the sanction of compulsion Law & as by nature
the rights of all men are distinct from & com-
patible with each other the person who encroaches on
the right of others must expect that those persons
whose right he attacks being possessed of the

same nature as himself will defend their rights
in the same manner as he would have defended his

fraud he would thought of others must expect that
some will do what against him is ought to be conceived
to be guarded for the consequence of it. Hence that radical max-
im of the Romans law *Omne malificium est quasi contractus*
which signifies that a person who performs it does an injury
has taken his risk of the consequence that the repelling
him by force is exacting the penalty of the law upon him
resembles the performance of a contract of which this
committing the injury was a condition

now the issue of this quasi contract with regard to the inno-
cent is protection & defence in the enjoyment of their rights
they having performed the condition by abstaining from
injury but the issue or consequence of the quasi contract
with regard to the injurers is that they shall be punish-
ed for committing of the wrong being the condition on which
their issue was suspended the issue must take place of course

a right may be
maintained by any means that an individual &
necessary action allows us to use all means without
which we could not maintain our rights but every act
is prejudicial to the rights of others which is not neces-
sary to the maintaining our right is a wrong & unjus-
tly accordingly though done in the course of defend-
ing our own rights. Then if a thief who has stolen our
property

is a thief but we
may not take away any good that is not our own
of that house which we have lawfully entered as the
is by no means necessary for maintaining our own
rights we may likewise resist those that endeavour to
render us in the pursuit but we may not go out of our
way to hurt others who do not offend us or do any
damage that it is not necessary for recovering our
own rights

Lecture 14th March the 30th 1891

The law of defence includes 3 clauses first that a wrong apprehended may be prevented 2^{dly} that a wrong offered may be repelled 3^{dly} that a damage done should be repaired now all these are equally necessary for the effectual maintaining any right & consequently agreeable to the law of nature under the same condition namely that of preserving the right of others as far as is consistent with maintaining our own just pretensions for instance for preventing wrongs as are not inconsistent with the rights of others must be viewed as comprehended under the law of defence imposing particular marks on our goods & enclosing securing & watching over them are precautions of this kind but we cannot lay hold on any person or a mere possession that he designs to steal our goods unless this possession is confirmed by some overt act such as his entering a house putting a stake or grasping himself unlawfully for the commission of injury for doing such acts as evidently tend thereto even in the stage of the action the injury may be prevented though it has not

taking place but it cannot be punished in the same
degree as if the action had been complete but only in
so far as concerning the defence & punishment, that is, the
criminal ought to be obliged to find bail for the safety
of the prosecutor's goods for such a time as the justice law
dictates to be necessary. In the second stage of the action
namely when the injury is offered the criminal inten-
tion is quite apparent & therefore the criminal may
be punished even unto death he is verus in clerto
& therefore the law affords him no protection and it does
to those who are maintaining their own right. But and
often happens that the damage is done & the criminal action
completed before the injured person knows of it or has it
in his power to defend himself. The law of defence must
extend to the actual reparation of the damage at the ex-
pense of the criminal if it is possible if the criminal
can be found but when rather the damage is of such a nature
as cannot be repaired such as the loss of a man's life
or where the criminal cannot be found the right of

compensation is qualified by necessity. In these cases
however a punishment may be inflicted for the sake
of example or as a fine exacted "in satisfaction damni" of a
crime but this belongs to positive law. Rights may be
considered either in respect to their subject or in respect to
their source. In the first respect they are divided into personal
and real and in the second they are divided into original &
adventitious. Personal rights subsist in the person to whom
they belong & relate to the constituents of his nature. Every
man has such a right of property in his own person that
none can make any alteration in it or any disposal of it
without his consent & this right while not forfeited by crimes
is inalienable even by the person who possesses it so that
slavery or the innocent use of our persons & faculties in the
pursuit of happiness according to our own inclination,
so far as is consistent with the rights of others is one of
the personal inherent & inalienable rights of human
nature which a man cannot alienate wholly even
by his own consent except by a crime which is equal

As a constant authority "What actions constitute
specimen of quasi contract" & How are all the rights
of man are founded on the definitive justice of God they
must always be understood in a conformity with that
as well as with the rights of others. The gift that God
has made to every man of the constituents of his own
person is not a right of dominion but only what the
lawyers term "usus fructus" which empowers him
to use his own person for his own happiness & advan-
tage but it is not a dominion dominium which in-
cludes the power of alienation that right being in God
only at all times & not liable to be disposed of by
any other person except in conformity to his law &
order the possession therefore which every man has of his
own person by the law of nature is only an indefinite
life at the will of the grantor which indeed gives
the possessor a right against all others respecting
himself to the grantor the right of returning into
the possession of the grantor when ever he pleases

Now this supposed right or demeritum dominium of
the Lady is totally incompatible with all power of
alienation in the possessor so that man neither an nor can
be proprietor of his own labour or liberties but only mere
usufructuarius, in tenent, at will. Hence no man can
have any right against God or any that is not derived
from him & subject to his sovereignty. This furnishes a
mucargument against Slavery which shows that it can
not even be made lawful by the consent of the slave
himself a man may indeed alienate his own labour
for a limited time on condition of his being told it is
exigend but he cannot give away or assign over to another
that absolute property of his person because that right is not
in himself & it is a true axiom nemo dat quod non habet
the claimer of a slave therefore pretends to have such a right
over our person & property as God alone by the law
of nature can have over the person of any man whatever
This likewise furnishes the principle argument against
selfmurder. a tenant at the will of the grantor such
as we have shown all men to be with respect to
be with. Respects to his Person may respect of Cause or
Inherent

Forment for any Time during the Will of the Granter.
Is bound to manage it during that Time "tanquam bonus"
"patrifamilias" but he has no Power to sell it to burn
it or to pull it down or even to abandon it with-
out the Will of the Granter because the Boundar-
ies of the ^{of his} Rights may be as large
with the boundar. of the right of ^{we may use or} use or
alienate what is properly ^{our own} our own but we can
neither use nor alienate that which is another's
without the express will & command of the granter
now god has forbidden all men by the law of ^{if} ~~if~~ ^{you}
perdition to alienate their ^{liberty} ~~liberty~~ ^{as when}
they presume to do so they are guilty of ^{disobeying}
& ^{consequently} ~~consequently~~ ^{is} ~~is~~ ^{their own} ~~their own~~ ^{use} ~~use~~ ^{that which is the right}
& property of another but as we may not use our persons
sanctities or liberty to the prejudice of the rights of
other men much less ought we to use them to the
prejudice of the rights of our creator which are re-
spective eternal supreme immutable & unalienable
All the use therefore that we can have & reg

gion of God
& bounded by the laws of nature & morals which are
his laws but cannot extend to any thing that is in

just either with respect to god or man Persons in law
are divided into natural & artificial natural persons
are single men who are constituted such immediately
by nature itself, but artificial persons are corpora-
tions communal or states which are constituted by
positive law or the consent of those concerned now
these latter persons as well as the former are possess-
ors of rights which may be called personal as in-
volving either in the community or artificial person at large
even each of the individuals of which it consists The rights
of natural persons subsist in the limbs & members of
the Body or the faculties & talents of the mind & the
lawful use of both now not only the taking away a
man's life or liberty but also confinement wrong or
imprisonment assault & battery meaning poisoning &
every injury done to any of the members an violation
of the personal rights which ought not to be done except
for a crime which defended by the laws of society
or for the safety of the whole but the rights of artificial
persons subsist in their constituent members their forms
& their laws as well as all that property which is

as to in them they the constitution of their corporation
is that artificial persons as well as natural have
their rights which it is as wrong to violate as those of
individuals now the rights of individuals are sacred
unless when forfeited they remain or legally alienated by
themselves or voluntarily exchanged for an equivalent
as Spencer has pointed in several of these states that the
right & property of an incorporation or artificial person
may be taken away by the supreme power without
any inquest or charge against said incorporation &
without trial or hearing or examination now
this is doubt robbery & subversion of all the rights &
property whether

& we must not forget that the legislation of this
state have now sanctioned all such power of seizing
or alienating the property of incorporations & refused a
flagrant usurpation of that kind which took place
about 10 years ago

in the constitution of law they are equally
capable as natural persons to possess property & to enjoy all
the rights & privileges conferred by law to natural
persons now as no man can be deprived of his pro-

held
caused heard & tried by his peers & convicted of some of
them to submit the law awards the pain of forfeiture for the
very same reason if there is any such thing as human nature
no corporation can be deprived of its constitution there-
fore not of that property form or law except by a legal
trial & conviction on a charge of high treason or some other
crime as the law is bound to merit
the pain of forfeiture to plead the will a determination
of the Legislature or executive powers in this question is
manifest tyranny because it supposes a right in the
legislature to take away the property of every man however
innocent without trial hearing or conviction yet this
proceeding which would be accounted tyranny in England
even in some arbitrary countries has been for a consider-
able time a law.

the world but to what purpose have the inhabi-
tants of this country sought & sold in fields or mortgaged
their estates to foreign nations a domestic Quaker or to
what purpose have they continued to pay the interest
of this whole debt without the creditors receiving one half of
it & all the property that they have remaining may be
taken away from them in an instant without the shadow
of a reason or any hearing or trial whatever but still
a crisis of opinion are now & there to be disco-

1
1
even to a fault in many instances often
notwithstanding of the crying of famine the people
of the country who would not allow a single particu-
ment a power of taxation over them have yet con-
demned their own legislators with a power of anni-
hilating or compelling at pleasure all corporations
within

or convulsion never it is most obvious that by a party
of reasoning they may deprive any man of his life
rights & property in the same manner & a man
has been actually voted away by one of the mem-
bers of these states now if this is the case where is our
liberty?

the very person who did the injury The late King
James lost a Kingdom for the violating the charters of
the city of London

equally fatal to any other crime
who would attempt the like injury in the first state
of the contest of great Britain the people of the country

they fled that they were legal cor-
porations" completely by charter . . .

& could not lawfully be taken from them
as they had committed no crime by which they could
be forfeited. These arguments were quite unimpeachable
but who could have imagined that the very same peo-
ple who so properly urged these reasons & took up
arms in support of them

waste paper & govt with the very
same rights which they themselves had so justly held
to be sacred & sacredly & unjustly are natives of all coun-
tries & thrown equally in all climates & under all consti-
tutions & forms of government

which though he should
be invested with the robes of authority & entrusted with
the power of making laws & trust one would think
that was fit only for himself must mean a tyrannical rule
will make use even of legislative power for the benefit
of themselves & thus considerate without regard to
claiming justice or the rights of others & with regard to
reputation or such men can have no character to lose
they reason so far unconsequentially & unjustly in having no regard
to it & forfeit all men men who sovereign & commu-

of their nature a personal right. "Sed et hoc apparet
affili" That rights
subsist in things of which any person may have the
exclusive use & may be referred to. Of personal
rights rights of possession rights of property & rights
of command

Lecture 140 March the 30 1794

By the definition of Rights it is evident that there are
certain things as nature has made common to all & it is in their
nature incapable of appropriation & therefore cannot be the exclusive
rights of any one. Light, Air, & the power of passing over the Sea
are manifestly of this kind. The use of running & navigable waters
appear to be of the same kind though more capable of being appro-
priated than the others. The use of high ways belongs to the
same class as well as the right of demanding protection for public
roads & paying for them. Possession likewise constitutes a right
but this right continues only when a thing is in actual use thus
a chamber, an inn, a seat in a boat or a stage coach or a
berth in a ship of which we have got a valuable possession are
part of our rights only while we possess them & may be main-
tained against all others even by force but as soon as we

have given the them our right expires and cannot in fact be
be restored to them by force a second time if they are then
in the peaceful possession & possession of them a settle-
ment on a desert country is likewise of the same order it
is a peaceful & legal possession while the first occupant

on his return eject

another settler who has taken possession of it in his absence. He
had found it common at first & he left it such then for the entry
& possession of the 2^d settler is as legal & warrantable as that of
the first but the first settler has no right to re-enter by virtue
of his former settlement because all the right which that could
give him naturally expires by desertion.

It is true that in this country in order to encourage the settlement
of vacant lands the first settler is allowed a very property too to sell
the benefit of his right & improvement but this is not the spirit
of natural but of positive law. neither does the first settler
acquire by it any right to eject his successor who has purcha-
sed his right of improvement & possession therefore with regard
to lands unappropriated & vacant & known to the settlement
is a temporary right which is indeed sufficient to exclude all
others while the possessor is continued but which by the
very nature of it expires with the desertion of possession
but in order to make this possession a proper & defendable

with such Boundaries as the King & his family do really
use & occupy otherwise a covetous man might pretend a
right of possession to a whole continent though he has a
small cabin in the middle of a wood & a few acres of
cleared land at least he might pretend to as much
as he can see on the highest eminence near it because his
cattle may have sometimes grazed so far from his little
dwelling perhaps these laws may need to be made more
particular with regard to this point when land comes to be better
cultivated & consequently of better value though at present it
may be thought that there is not so much need of prescription & we
now laugh & with great justice at those rights of discovery
which were lately so much talked of in Europe & in consequence
of which this continent was at first filled from thence the
right of possession enjoyed by the native inhabitants though
of an unknown antiquity was reckoned as nothing but as
soon as an European had erected a post by the sea shore
or hung up a plate with the arms of his sovereign upon
an a growing tree or otherwise he had shot a deer & buried
a fire or killed an indian the whole of that or continent where
such acts of possession were performed were held to belong to
that nation to which he belonged or at whose expense he
had sailed from Europe & thus were through the possession

were immediately abandoned & not claimed again for many years. Thus England claimed this country

same rule the great Duke of Hesse might claim a right to the satellites of his subjects. They were first discovered by Gallileo one of his subjects & the King of Great Britain might claim a right to

Englishman that sailed up the Delaware had claimed an exclusive right to all the lands between that river & the Delaware extending up to the north Sea his claim indeed would have appeared

as one was actually granted for connection by Charles the 2^d according to boundaries that did not exist & terminated by lines that could not be drawn on the globe. The ancients no doubt had a great appetite for the possession of land but they were not quite so ridiculous as the moderns in this particular because they set no value upon desert but confined their claims

of more than a million indeed seems to value himself a little upon being the landlord only of one lizard & thought his farm produced him as much benefit as made him happier in his own dominion than the powerful of Africa "Eft

"Unius est dominum prope laetitia.

But it is not probable that he would have valued -

as Panthos though some of our great can boast
of no other tenants than just as they will. The relation between
the person & the thing in case of the kind being totally
unproductive

might perhaps be as well for a tract of land in
Jupiter or Saturn or Lilliput or Laputa or perhaps if con-
firmed by the Pope for a parish distinct in carrying a
country that is truly to be soon settled by those who pro-
fess to be believers of

complete right ought to be termed only the founda-
tion or beginning of a right which is in the power of
the possessors to ripen into a right by continuance & im-
provement. In some countries particularly in Tartary
& we are assured that it was the same in ancient Scythia
& the pastoral nations of Africa there was right to possess
in land but it is cultivated from year to year by different
possessors each of which considers his right as expired when
he abandons or discontinues the
pasture. In the case is the same & the whole territory
is possessed jointly by the nation at large each of
the individuals rambling about in it as the inclina-

tion leads them wealth cannot properly be realized
in a country that is possessed in the manner hence Arabia Tartary
& the several nations in Africa have always been inven-
till or independent a quality too dearly bought by
the want of property & of a regular supply of the comforts of
life. Mr. Moushau observes that the only thing that renders
men subject to Tyranny is the desire that they have of sleep-
ing down in the evening in the same place when they arose
in the morning & that of mankind were led by his
spensers they would embrace a wandering & Paraglyph
either escape tyranny by a want of property & a settled
dwelling place so that while their Tyrants

they might in a short time
reach the Banks of the Oxus or Indus It is to be observed
however that the human species never can improve in a wan-
dering state but must only & always degenerate thus
the sworded officers that were taken at the Battle of
have cultivated Siberia
which was formerly a sandy wilderness but on the other
hand the plenty of the French Italians Greek & Ger-
man who settled in Asia after the Crusades sup-
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depleting the manners of the wandering Arabs have
replaced into Barbarity & lost

The inhabitants of Attica
who were for the most part vagrants in the time of Cecrops
whom they had been reclaimed from their wandering life
by Theseus & Solon became the most civilized nation
in the world & the later revolutions have marked the im-
provement of the human character & manners in
different ages & countries at present we have reason
rather to apprehend a degradation of the human
character & a return to Barbarity in this country
from the prevailing opinion that many have of passing
from a settled to an unsettled state the possession of fixed
habitations close neighbours good & the establishment &
improvement of landed property affords an opportunity
for the improvement of the human faculties & well as
for the culture & pleasures of social life the improve-
ment of Arts & Sciences & every object that is definable
to more but contrary circumstances have a tendency
to produce & have commonly produced effects quite con-
trary to these. It is true that there is likewise an

extreme on each side as well as on the other side -
Large & populous cities under a lax government as
they generally are prone instead of checking the
criminal when they can look on undisturbed as the
shade & solitude of the forest & give upon the in-
crease & increase numbers of society

or perhaps the earth &
when ever these ends have been rationally pursued man-
kind have always been happy in proportion to the character of
the power has been improved in the same degree but the freest
cost of mankind have either run into one or other of these
two extremes & have

or have crowded in such num-
bers into narrow corners as almost to suffocate or trample
down one another for want of room & hence at the west-
ern extremity of the world is a striking instance of the first

rather Great Britain France Italy
& Germany are perhaps the most favorable in nature for the
dissemination & advantage of society on the account of the ra-
tional & moderate distribution of their populations ex-
cepting their great capitals which by being ever crowded

poverty & misery. How happy must the United States become
if they could keep safe as to strike the just middle between
the equally harmful extremes of too dense & too scattered po-
pulation. The Roman established colonies by enlisting away
the poorer inhabitants of their capital from time to time not
withstanding which continuance it proved a fatal defect
perceived gradually that is so equally defended by Magon
& Juvenal. Property whether the next order of personal rights
constitutes a continual right with the absence of the proportion

of men. man's property may be acquired to a certain degree
by labour directly & otherwise that antecedent to commerce
settlement & the sign of wealth property in fact a state must
at first be small & be in some hand to keep & often profitable
& useful. The pastoral state affords a surer hand of property
which multiplies by the use of nature & which laid the first
foundation of distinctions of wealth among man

A man has a right to property to whatever he has
taken from the common stock of nature & destined to his own
exclusive use. Thus he that gathers fruits to digest in
root to catch fish & to hunt with animals constitutes a
right of property in his herds to the owner who has followed
his labour in this manner. The But which the savage has
built the canoe which he has scooped or turned with a

stone out of a tree has thrown & now the water line
huddled as well as the
game itself & the dog if he has got one on his leg the right
of property

uniqueness yet his right in
that was constituted by his labour still remains though he
himself were hunting at the distance of 500 miles & though
if he acquiesced in the land & plant a small quantity of corn
his property became capital & greater increase without his la-
bour by the laws of vegetation & propagation but this is only
for a time while the land continues in common & may be
used by any nation indifferently but when the practice of
agriculture has introduced landed property & when the improve-
ment of the soil & its constant fertility becomes the duty of
the husbandman the labour & industry of man then acquires
its highest value & produces the most extensive effects not
only by raising a large & regular supply of provisions
but by giving birth to a number of useful arts which con-
tribute not only to support but to adorn & embellish
human life & which afford exercise for the various talents
& endowings of man & without this a society must always
be poor & melancholy & pestered with a multitude of inconveniences or
plunged in debt & must be in a very imperfect state
& knowledge very rare & confined while a great part of
is profit

can be found from the first State of old & England of late
have exhibited the great

acquaintance & accordingly have
green-up & encourage must be ask which flourish the
world whole fear at the same time with all the adventu-
re
a possession of almost half the world
continues for amongst the means of getting a Silver England
a small spot by means of liberty

is with beyond
any other country in the world it has often been asserted
that in the state of nature all things are common which
can only be true so long as no individual what ever
has endeavored to acquire any thing for himself but
the common state immediately ends on the first ex-
ercise of application of personal industry for as every man
has by nature a right to his own person & faculties
this must necessarily likewise imply a right to all
that he can acquire by them out of the common
stock of nature which is open to him as to others
& this must be held like a natural and not an adventu-
rers right because it arises immediately from the
right which he has to his own person & does not
even suppose the existence of political society
& constitutions for else can it be derived from you

What sort of right what arises from the law of nature
the Romans termed ius but that which arises from poli-
tical constitution they termed ius publicum or that
circumstance which distinguishes a right of property
from a right of mere possession & according to the
Romans

" Natium

" Natium

No man can have a right of possession for the property of
another because the equal right merges all others
the lesser & totally excludes it now the property is a
right of the most perfect kind it must include a power

as well as under the most perfect state yet property
in land gives an additional security by accustomed them to
fixed habitation as well as by enabling them to secure increase
& multiply their acquisitions the value of property is raised
as well as the encouragement.

distinction of right. Plato & some other
republican Politicians from his time have dreamed of con-
centrating all the cares & affections of men in the public
& of extinguishing the selfish & private affections as next

ious e

because although the law of society is included a part
of our nature as well as the law of self preservation yet
the latter is the genuine or more original law to which
the other is only additional & supplementary besides the
law of prudence is a part of our nature as much as
the others & this is inseparably connected with the law
of self preservation Artificial & adventitious affections
may indeed be grafted by policy upon those which are
natural but they never can be strong enough to
supercede the natural & original laws of the human
world men must be prompted to labour by necessity
by & the principle of self preservation to which society &
a social situation adds the law of prudence because
the observation that arise from unequal position
a acquisition properly common at the introduction
of political society. The natural rights as well as the
natural duties of men are not confined to any state
of society as Lord Shaftesbury very properly observes

government Some authors particularly Mr. Mack.
infer duties the foundation & obligation of social
duties from the natural rights of men including
even the social affections among those rights which

It is our duty to maintain & to assert but we have al-
ready -

from the nature of the subject of them which gives
them a foundation equally firm as the demonstration of
a right in those that are their objects for no man can have
a right by the law of nature being a fiction itself or
since from us except in so far as that right is founded
upon our common nature & approved by our moral
faculty But we are not at present enacting

not principles having at large established these already
as required under the sanction of duty but we are on-
ly enacting those rights that may be maintained
by us here & that are the objects of jurisprudence or com-
pulsory law

improvement constitute a right which is good
against every private claimant but which
ought likewise to be recognized
& confirmed by the public that indeed has been often neglected
& as landed property was first introduced in Europe under the
feudal system when both a legislation were in a very
imperfect state the first feudal Lords refused all
written rights & chose to hold their land by the sword

land was to support a number of the following or the poor,
which constituted their importance & supported their
dignity in the state. Dr. Smith properly observes that in
the middle of a pastoral age a person who had as much
property as would
from the want of commerce to exchange or consume this
property could actually make no other use of it than
by really maintaining 1000 men who depending on him
for their support

design of his ambition. These vast
scales were at first only the gradual servants of the gov-
ernor but acquired more important rights in process
of time.

The quantity of land that was allotted for the sup-
port of a Roman citizen & his family was only 7 jugera each of
which contained only 240 feet in length & 120 in breadth the whole
amounting to 200,000 square feet there being in fact a little less than
the English acres now it serves for the comparison of modern in-
dustria to conceive how this could support a family yet
the very instance of the Roman state itself is not more certain
than that this was the exact size of their possessions but they
were industrious & lived in a very simple manner in the

Regulus which was authorized at the expense of the public
while he commanded the Roman Army for Apulia & such
worth the Estate of Lucius which was called the
Estate of Regulus to which he returned after having repulsed the
Enemies of his country such as the Estate of Lucius
maximus which he sold in order to support the credit of the
Roman State when they were unable to furnish the price of
the redemption of certain prisoners from Carthage for which
liberally he was much extolled by Cicero. Marcus Curius was
sitting at a supper of boiled turnips when he refused the gold
which the Carthaginians offered him for betraying his country
to eat & potteries with a little salt meat now & then was
their common fare & their usual drink was water & was
the owner of such Estates that fed all the nation of
Italy Sicily & Africa & overcame the rich emperors of
Rome their beds tarred with

these citizens

14. Sede rusticorum

15. Poles & belli docti

16. Et sive mater ad artem rusticorum.

17. Portare rusticorum

Having so small portion to cultivate they used uncon-

men industry

can scarcely credit especially when
they consider that they had thus put an end to their virtual
torment out of their small spot • this whole of charge could
not be a small one in a country subject to a fierce resister
as Italy was at that time • It is true that the riches of the
great ones among the Romans were mostly acquired by the
pillage of the nations that were conquered but the ordinary
subsistence of the citizens was derived only by labor from
their little farms • the Romans had up imported goods
they surely must have then all to pay for them for left to
have conquered the world • The cultivation & product of lands
in China & in some parts of Holland would seem incredible
in this country • Rights of property are maintained by com-
pulsory law in all countries a right to command is a right
to the service & obedience of others • The natural rights of this
kind are the power which a man has over his own family
which has ever been held sacred • among the Greeks &
Romans was absolute • The adventitious rights arise from
contract or possession • will be considered afterwards • original
rights are the universal appurtenances of man • nature
& coexist with his being & these comprehend all personal
rights • If we suppose that nature desires what is in neces-

say for the preservation of his work the right of the
Parent is command the infant child is also original
but in every other instance no man has any original
right to force the obedience of another except so far as to
oblige him to abstain or desist from wrongs. Adventitious
rights are just as acquir'd vainly to man in the
course of human life. original rights are commanding
& immediately on being mentioned but adventitious
rights are matters of dispute & only acknowledged so
far as they are proved. In treating therefore of adventitious
rights we must not only enumerate their subjects but
show the means by which they may be acquired
& also the means by which just acquisition can be proved
perhaps expressly a command on all of these adventitious
rights when considered in contradistinction to those that
are original though not in contradistinction to natural
as we have shown above that all these rights exist in a
state of nature to a certain extent, the adventitious dis-
tinction especially as founded for the most part on pro-
perty & command distinction from wealth will ne-
cessarily arise in part from the unequal talents appli-
cation & good fortune of men. In the present republic some

will be frugal temperate & industrious & will by that
means accumulate wealth others again will be indolent
idle & imprudent & thoughtless & these certainly will be
poor quarrelsome & dishonest & generally wicked as proved
by experience by evidence in the common complexion
to many crimes. Morally reduction as well as
unjust to think of abolishing all rights of property
in order to secure liberty because the latter is of no value
at all without the former the only use of liberty & the
end of government itself is to maintain men in the
possession of their natural & civil rights; but if they are
not allowed an exclusive right to all their lawful
acquisitions government becomes an intolerable grievance
instead of being a benefit to them a most ridiculous &
pernicious notion has been assiduously propagated among
the ignorant part of the people of this country that in-
equality of fortune & the acquisition of wealth are most
hostile to liberty ought to be discouraged but they are
not sensible that this notion essentially cuts the nerve of
industry as well as undermine the foundation of proper-
ty a man never is said to be in the state of slavery
whether he is indeed incapable of acquisition or if

our industry is to be checked as soon as he has ac-
quired as much as his indolent neighbours as if his per-
sonal acquisitions are to be distributed among the idle
intemperate then government itself & what is called liber-
ty would be a most unnatural state & conspiracy &
against all the rights of man instead of being the best
means to support them in the enjoyment of their rights
every man would put himself in place of the wealthy
& he certainly has the desire of becoming such the ab-
surdity of the notions would be equally evident to every
understanding but it is calculated only for the idle & poor
sort of rogues who have no hope of property except from
the pillage or murder of others & accordingly obtain the
honour of many who are indolent & intemperate are
bringing them rapidly to the same condition It is some-
times possible to imagine a more pernicious abuse of the
unbounded liberty of the press than the spreading of such
notions which are directly subversive of justice & labour
& industry & which if generally listened to must
destroy all property industry & government & re-
duce all the citizens to the condition of those Mandrills

in the state of Massachusetts

part of their countrymen & who
had the influence to call this self information be-
cause their idleness had induced them to want &
their indolence rendered them averse to supplying their
wants. ^{by} Labor the security of property & the protecting
men in the acquisition & enjoyment of it & of all
their natural & real rights are the great

means for attaining
these ends that we pay taxes to enter into civil society. Savage
tribes of mankind who have fairly any property have neither
any occasion for government nor any fund to defray the ex-
penses of it. The taxes which we pay to government are only a
small premium for the insurance of the rest of their property
which by this means comes to be protected by the strength
of the public. what you have to give to the mass says the pa-
rish grows to give to the cat. "Public taxes"

acquisition
which in a state of nature would soon be extinguished by
long excise to the violence & lust of every lawless villain
or band of villain hence the terror among the antients
was justly celebrated for suppressing violence establishing
property & introducing law & good order among men

"Mercurius et Pater

"Post ingentia facta Deorum in templa rupta

"Dum terras hominumque colunt genus affabile

"Component agros assignant esseque condunt.

So right can be acquired by injustice even other words by any deed

the Sovereigns have originated from more violence & that the right of conquest which is in itself a wrong is the foundation even of all those states in which justice is admitted & properly secured by law Instead of cultivating the soil for themselves Bodies of hardy & enterprising

of the fruit of their labours either by exterminating them altogether or by reducing them to a state of slavery & dependence & obliging them to cultivate the soil for their lords & haughty

we can scarcely mention a country any where in the world except the late territory of the Jesuits in Paraguay when the infant inhabitants are not defended from invaders like the 4 great monarchies as it is well had their original only in force & all the Sovereigns that have been united on their ruins have likewise been established by the like means mankind have never indeed shown any great inclination to regular & honest

being or the support of their common rights except
when under the oppression of misfortune
of the world. Tacitus remarks
that the only bond which held the Barbarian nations in
Germany were craft, feintedness or mutual fear. The
Societies that have existed longest have been kept to-
gether more by the fear of foreign invasions than
by internal amity or upright administration of justice.

Thus would never have been any need of employ-
ing force. Mankind indeed have in general loved liberty
that is the power of doing what was they pleased without any
regard to justice or the natural rights of others. Thus
associations accordingly have been almost universally
formed either by force.

even the providence of god would not
have permitted the for greater part of them in all ages to live
in an absolute subjection to the will of others but for surely
a much sorer evil that a few men called monarchs should
have all the will than that the liberties of all
mankind should be left unrestrained which would soon ex-
tinguish their race altogether. Monarchs have an urgent
interest in preserving their subjects as the means of their sup-
ply & authority & it is always better for them in general

to maintain justice than to support men to do as they please
which would soon prove the ruin of mankind as well as of the
best of mankind in general surrendering with that liberty
which they love best we mean the liberty of polluting

rights of others on lust for the whole ^{corruption of the} nor even to conceive
them of this absurd truth that if all men were allowed
to do as they pleased they would all become poor & idle
so that at least as little could be got by robbery as by
lawful industry - Occupancy - labour convention & possession
and the principle means of acquiring rights what nature
& justice authorize. Indeed the origin of property in
this country has in general been more honorable than in
any other that we know of

inhabited by hunting
tribes of Savages who did not cultivate or improve their
rights of possession could be no bar to the entrance of those
who did improve & possess it in a rational manner
The improvement & manufacture of the soil has certainly the
strongest title to possession & indeed just as one man may
properly be called a divine right because it is agree-
able to the intention of Providence that the earth should
be improved

1
wild game or plantain fruit but he can have no
right to hold the whole country a desert for the convenience
of his hunting especially when there are who can make
a better use of it & render it capable of supporting vastly
greater number of mankind than it could support
in the savage state he has no doubt a right to his own
inhabitant but he can have no right to occupy or
much land for that purpose & would support many
thousands & millions of families the method of pur-
chasing land from the savages was the humane in-
stitution of W^m Penn & has accordingly been ad-
mired

as being calculated to promote the peace & hap-
piness of mankind & to put poor men easily in a
position that by means of industry they might afford
them a liberal support but Penn perhaps did not
foresee or had not wisdom enough to prevent the
rise of a new tribe of Indians who oblige settlers to buy
a good time from them & not from government at a
vastly higher price than any lands which he had bought
from the savages & for which he required

quitrents.

to mean the land jettlers who pretend title to lands
upon which

view of private gain have now changed the fact of aboriginal
title & sustainability contrary to the laws of nature & as
considerable a hindrance to the improvement & popu-
lation of the country as the institution of purchasing
lands from the savages was calculated to promote.
that end. The paltry aid that the public is
said to have received from these men by the tax-
ation of their imaginary property has been al-
ready more than compensated by the profit
which they have made by sales to settlers & by
speculating on the ruin of public credit. The per-
mitting so much of the lands of the state to be
possessed under imperfect & imaginary rights &
unfulfilled conditions is an evil that has originated
from the weakness of the same sort of men but the
consequence has been to render a great part of the
lands of the state as unproductive of supplies for

what may be the ultimate issue of
the child's folly & mismanagement. It is impossible
to say but it is quite certain that it cannot be
for the benefit of the public or for the preservation of
the rights of mankind. I have already occasioned
emigration which threaten to enter the territory of
this state in a short time as much a desert as it
was not just many of the rights of mankind by their
mismanagement must be left on the wreck of general
infeliciency & such injuries may ensue as it is not
possible to imagine at present. Occupancy and possession
is such a relation of person to a thing as that no
other person can use the same thing without detri-
ment or molestation to the occupier in the manner
as we have given above a man occupies the ground
on which he lives the water that he drinks the
air that he breathes the light that shines upon him
the tract of the sea on which he sails but no one
man can occupy the whole earth possessing stream
the atmosphere the light of day or the vast ocean —

Lecture 150 Tuesday the 1st of March

The celebrated Mr. Selden has wasted much learning
as a great acquaintance with antiquity in his treatise entitled
molestationem in order to support the right of the dominion
of the sea which is pretended to be the King of Great Britain
but the treatise of Grotius

concludes when they contend to the same
right will always be most approved by all equitable men
as friends to the rights of mankind labour is one of the origi-
nal & natural means of acquiring property & property
including includes all the rest.

"Nil sine magno uela labori dedit mortalius"

Labour is an effect by which a person may for his own use
substantiate produce or improve any unappropriated subject when
God had destined the globe of the sea as gathering in the sea
common store he tells us that the workmanship which Vulcan
had bestowed upon ^{it} has increased the value of the materials
intimating that labour always gives the greatest value to
the productions of men

"Rugie sunt erit"

"Clark magno"

"Materia generat opus —"

The right that is acquired to the fruits of our labour is
implied in the original right which all men have to their
persons & to the use of their labour & a power which na-
ture has given them in order to procure their subsistence &
better their estate anterior to conventions men do not ac-
quire any right by the assistance of any formal con-
vention that is of no effect for the right acquired is only
to the use of what is produced more sufficient or rather not
the effect of any care or labour if there be no convention to
the contrary falls to the first occupier Thus a piece of land
added to another man's property by the ruling of the ocean
or the natural change of the course of a river which is called
Alluvium in the Roman law has been the subject of many
disputes among writers on the law some contending that the
addition belongs to the owner of the land to which it is joined
others contend that it remains the property of the person from
whose land it was separated but the belong property to
public law the increase of a man's flock or herds being
the fruit of his care & his property but the acquisition of
new lands or islands contiguous to his property seems to be-
long to the first occupier & man by labouring in the pro-
perty of another cannot annul the others right on the
contrary the very fruit of his labour if it cannot be removed

without damage to the principle

status place
when the laborer is not employed by the owner of the subject
but used as his own. In the case of convention the right
a thousand times will see by a bye. The right of the
property of a thing are derived in all countries from
the trader but those of a horse from the proprietor of the
foal. A person however who happens bona fide without
any intention of fraud or usurpation to employ his laborer
on the property of another may remove or enjoy the fruit of
his labor if this can be done without detriment or inconvenience
to the other. Civil conventions, a constitution, accom-
modate the effect of acquisition or of labor to the convenience
of the parties & to the policy of particular states no convention
indeed can be made to the prejudice of natural justice any
more than against propriety but when this is out of the
question the axiom holds "Actio tollit legem" —

We come now to state the laws of engagement by contract —
A contract is the engagement of free parties to perform what is
supposed to be lawful & on their power. Engagements are
made by promise which when voluntary bind all men by
the law of nature & all men naturally rely on the perfor-
mance of promises. The principle which Dr. Baile calls
the principle of civility or confidence is necessary to the

every instance of honesty & impartial commerce among
men as we could have no dealings with each other if we
could not rely on one another's affirmations & engagements
a promise to acquire of any honours himself constitutes
a tie that is stronger than any material self-interest &
equivalent to physical necessity as he not only seeks
his reputation among all just men by the truth
of it but also his own good opinion & the approbation of
human mind which he values much more than that of
all the world now no society either great or small
can exist even for a little time without honest good faith
those constitute the true dignity of man & a person
who is deficient of them does not deserve to be reckoned a
man the fruit of labour must all be lost & the ad-
vantages of society totally forfeited when this is at an end
even the hands of robbers & Pirates who possess by the
habitual breach of justice & the violation of the rights
of others an alleged necessity for their common
safety to be true to one another & to leave each of them
his share in power to betray all the rest all of them
taken can not be set an example which causes one of their
companions may turn against themselves The duty of a

promise or engagement becomes to the public acceptance
that promise part of his estate & a right Breach of faith
is a capture he is entitled to redress & by force there is
no greater symptom of degeneracy & approaching ruin
in society than common breach of faith this extinguish
is a sure provoker hostility engages all mankind to
attack or avoid them what sort of men have actually brought
that character upon this country or have avoided the pay-
ment of just debts by violence & unjust laws they
ought to punish themselves but while this continues to
be the general character of the inhabitants of this coun-
try & is so well established by such a weight of unpaid
debt abroad & at home.

The creditor we can never expect
divine Providence. Iniquity established by law is the most
abominable of all kinds of iniquity & foreign nations
who have business with their property under promise
of payment must have been paid only in exchequer or
by fraudulent bankruptcies & cheating laws must
therefore avoid our shores & make us lose the con-
fidence of our allies so that in case of any war or invasion

we could

Even bad men exult in having a paper on the merchant
connective with measures of foul but honest good faith
about a commerce. The sum of all mankind not were
excepting the kindest part of those who do not love
to be cheated themselves though they make a trade of
cheating others. The reputation of Knavery when once
unmixed is of all others most difficult to shake off & when
it can be bound into the very laws of a nation it must be
supposed to be deeply rooted in the character of the people

Republic left it all to allies & when Carthage actually
fell under the power of the Romans though by conquest & vic-
tory none were found to wrap over the ruins or to commiserate
its fall. The same want of good faith was the
ruin of Troy long before

"Nunc Nunc

"Et nunc

"

"Munde pato disituit —

With regard to the breach of contracts the compulsory law
of nature which in its original form is prohibitory & ne-
gative becomes in appearance positive requiring justice

actual

a men prevention of that wrong which breach
of faith would induce a confutable & constant & mutual
speculation or agreement between husband & wife for
what is concerned to be for their common interest having
a double condition one to be performed by each party & by
their transaction a right is constituted in each party to exact
from the other the performance of that condition which is
usually promised by them a contract can be innately bro-
ken only by one party so that both parties become at once
unable to perform their mutual parts supposing each to be
well according to the nature of the contract. In that case the
contract is broken by the act of God which can neither injure or
fix the charge of falsehood upon any of the parties but if
the party who promises to perform his part first does not per-
form it he is guilty of injuring the other by breach of con-
tract & of depriving him of his right which he has acquired
by the contract to the performance of it & consequently he
stands bound to compensate the damage arising from the loss of said
right if the contract be conjugal that is if the parties bind
themselves to do any thing in conjunction the failure of the one
of them does not release the other from his obligation or
absolve him from performance because whether the contract
is for doing a piece of work in conjunction or paying a

the person to whom the work was to have been done or the money to have been paid the right of the third party to performance cannot be altered or altered by the failure of any one of the other parties but they are both bound conjunctly & severally & the 3^d party may exact the performance from any of them who is solvent There is the dispensation of the obligation of fidelity & the responsibility of the members of trading companies or corporations for the debts of the society The term stipulation which is commonly applied to contracts by the ancient writers on law affords us at the same time a proof of the simplicity of ancient manners & the great honesty of remote ages when any two parties had made a contract they broke a straw or stipula between them each party preserving that part of it which remained in his hand at breaking & the production of this was part & thus answering exactly to each other

But

hazardous to
make contracts in the ancient form of stipulation —
the formalities of writing signing with paper
parchment sealing registration

& penalties are all
occasioned by the want of honesty & the inclination

that men have to break their contract & expect who wd
expect to bind himself on all this form now that they are
become so numerous they be so carefully suspended of a design
to break their contract & must be a very dangerous paper
to the commonwealth What a person of mal

submit to every
condition which the law requires because he knows that he
cannot be more strongly bound to perform by all the
prescribed formalities than he is by a simple promise with
out any writing with a name that the other party can upon
his promise the confidence that he has reposed in his cha-
racter & the right that he has acquired to the perform-
ance as well as the baseness & the infamy that is

bind an honest man
so strongly that no additional formalities can give him
a stronger sense of his obligation or more effectually secure
his performance a person who breaks his contract does all
that is in his power utterly to dissolve human society
to put an end to all commerce & ruin this among men
because of all others were to follow his example which
he has shown & do all that was in his power to excite
them to do the total extinction & dissolution of
society is immediately take place when a man

calls & he is ready for the commission of any crime
whatsoever because that principle which prompts him
restrained him from committing crime is become quite
lifeless & inactive

at once the criminals lay their
hands upon one another in countenance all shame is at
an end with them a young person or the ignorant are
then apt to lose very much of that habitual other-
ness of people & track of faith which they may have
contracted by a cautious education & when men once begin
to lose all horror at crimes this act is a gradual prepa-
ration to commit them & condemns all sort of
honour & moral obligation. The most criminal mode of
breaking a contract is when the breach is projected & designed
at the very making of it just a promising what one
never means to pay or filling what one never intends
to deliver this is formal fraud & dishonesty from the beginning
& constitutes the basest & most deliberate breach of
faith that can be conceived now the question much depends
if the party breaking, was not really able to perform
when at the time of making the contract because his
conceiving the circumstance from the other party who

breasted him &

is a deliberate violation of that right which he has
to performance nor is it any excuse for the making of a
contract that the party who made it was not certain of his
ability at the making of it. If he had the least probable
reason to expect it as when a bankrupt makes a con-
tract

such a one is evidently guilty of ex-
posing the right & interest of his neighbor to certain loss
& thereby constitutes himself a fraudulent bankrupt

on this crime by the laws of this country but
according to honor & good faith the circumstances of both
parties & their respective ability to perform their several
parts of the contract ought to be known to each other at the
time of making it. There

designations person
& place of a book of one with whom we make a contract
than to know his character & circumstances & the probability
of his performing his part when a contract is made. It some-
times happens that after the party who was to act first

when goods are ordered to be delivered at the
place & time agreed on but the goods are not delivered
not produced means in this case the party who acted first is
a loser & the other is not guilty of injury or the
breach of faith when a contract is made & constituted by

one party only in the case of the consignation of goods,
who sold or kept for the owner the consignee by accept-
ing the goods concerned is as much bound

the most
solemn contract previous to the delivery of them is the
law will well excuse him

him by accepting the consignation
when in making a contract the party who bought naturally
to act first for instance the seller performs his part first
by delivering the goods before the part of payment or
when he consents to accept of payment at a distant day

strongly obliged to make payment at the time
expressed because the seller has trusted to his honor & veracity
& exposed himself to the risk of losing his payment
in case that the buyer should break his faith as to
be trusted by a wise man is a great help to a cha-
racter & may be of considerable use to a person en-
gaged in trade the buyer if he has any generosity or
sense of honor at all will reckon himself doubly obli-
ged to the seller both for the delivery of the goods &
especially for trusting him with confidence & presum-
ing on his honesty & if a person do not make
payment in these circumstances the first person who

to be a breach & totally unfit to be
trusted a second time. He pleads excuse & continues sea-
son for delaying the performance of a contract in a paper
of breach of faith even though the contract is after-
wards really performed. The very time of per-
formance is of immense consequence to one may ruin
the credit of an honest man by not keeping his
contract with him & though it should not actually
have this effect.

all credit among men the delay of
payment of them for is real breach of faith in the
same manner as the delay of justice is real injustice.
Then an ordinary law of contract admirably mentioned
or says that the source of conventional obligation is
the right of one party.

Humanity as men by nature are
formed for mutual confidence & disposed to rely on
the promise of each other & as this disposition is that
which qualifies them for society & is necessary as a pre-
requisite of its comfort those who are guilty of breach of
faith do all that in them lies to extinguish this
mutual confidence & to render the principle
which leads us to it not only useless but ruinous

of human society. if the crown of the one party is
not accepted by the other then there is no contract
but when the parties have once trusted each other
each of them perceives the value of his right on the
supposed faith.

that value that he will be brought
as he must certainly forfeit the like value if he prove
otherwise. The 2^d law of contract is that they create a
right only so far as it depends on the will of the contracting
parties every contract has no doubt this fact com-
piled under it if be possible, but though men can
not tell for certain what may be in their power at
just a time yet they know certainly whether they
are able at the time of making the contract & know
whether it is probable or otherwise.

in parties thus bound there only take willing to offend
if for some other party fails for want of power by
the act of God or an accident impossible to have been
foreseen then is not breach of faith, but if the want
of power be voluntary

of breach of faith as when a
man lingers from cleaveth or throws away his creditors

cannot affect either case then is the most delicate point & that of faith when thought the party is unaltered the time of confirmation because the contract is self-sufficient & endured by themselves

offered as any improper accident.
The 3^d law is that in order to constitute a contract mutual promise or a promise & acceptance are necessary between parties acting freely & possessed of the use of their reason a contract must be equally the act of both parties in order to bind both persons can be bound except either by his own or by that of those to whom he has given power to promise for him

entrusted to contract for him he is immediately bound if the thing contract for be lawful & possible

Lecture 151 April the 1st - 1789 -

The municipal laws of some countries admit of a *locus penitentie* namely the space of 24 hours or a natural day during which if the one party entreats the other that he does not adhere to his contract in which case the law releases him from his obligation but the law of nations admits no *locus penitentie* nor allows any term of referring from the contract when one made "Et simul emphyteusicis locis irrevocabile actum" one party

may indeed be
by the consent of the other, while it is not broken but when one
broken the cannot be released but the law demands satisfaction In
order to make a contract both the parties must be free & independent
of each other as the engagement or regulation of a person who is not at
liberty is held in law to be void ab initio for this reason all
contracts or bargains made by a person in prison even captivity un-
less it is for his redemption or by a slave or by a person under age
are of no force because the parties were not at their own disposal &
had no choice at the time of making them for this reason a
promise made to a robber by one that is in his power to lay a
sum of money or a certain place is not binding because the person
who makes it is in the power of the robber Then as some in-
dud who think that even in this case the contract ought to be
kept because the person who refuses to make it might possibly
after all escape from the robber & they think that were to save our
life by a contract which one does not intend to perform is unworthy
of an honest man but if professions extorted by force are not bind-
ing in a state of nature which is generally intensioned they
cannot be binding in a state of society because no laws give any
rights to robbers & the compulsory law of nature allows the use of
all means that an individual is to resist a rapel them Julius Caesar
understood the extraordinary way of dealing with robbers as being ter-
rified by Pirates & carried to a certain Island in y^e mediterranean

he bound himself by contract with them to deliver them a great
sum of money for his ransom & at the same time intimated to them
that he would return at a certain time & hang every one of them.
He observed both these contracts with the strictest punctuality.
General Juno to have imagined that rather than to right to
exact a promise to pay money from a traveller who had none
about him."

It is not only necessary that the parties entering into any contract
should be free & independent on each other but likewise that
they should be under no constraint or obligation to another. The Elec-
tion of a representative in a free republic is a solemn contract by
which the people elect engage to consult with act & determine
according to the fundamental laws of the state & to study to promote
the public good & to maintain the rights of all the citizens accord-
ing to the best of his knowledge as far as he is able on the
other hand the Electors engage to submit to the majority of
their representatives & to the person who is chosen as their re-
presentative & entitled to act to impose taxes & make
laws for them during the period by the constitution & they
come under this engagement whether the majority of represen-
tatives shall consist of those for whom they have given their
votes or of those who have been elected. Every citizen cannot
have a
the majority must be supported even by those who have —

and then alone
that man enter into any society & on this alone can any
society be supported every citizen therefore by entering into society
binds himself to submit to the laws enacted by those who
are his representatives or by a majority of them & when
he has given his vote for a representative he has used all
the powers enjoyed all the rights which any constitution can
give him & if he complains or rebels he is guilty of breach of
faith & of acting against his own contract because the
will of the majority of representatives is to all the purpo-
ses of law the will of every man in society & binds him as
much as if it had been written by his own hand & signed with
his name the ignorant are no doubt a numerous & considerable
part in every society but those men are surely enemies of their coun-
try who gratify upon their ignorance to make them guilty of
disaffection & breach of faith & induce them to rebel against their
own will by refusing to obey the laws enacted by their representatives
or to pay the taxes imposed by them the case is still worse and
is equal to actual rebellion when the leaders or drivers of
the ignorant multitude stir them up to resist by violence
& to insult the laws of their country The following assertion
is commonly repeated by Demagogues that all power is in
the people is a doctrine that naturally leads to pillage & robbery
rebellion & murder & would prove very fatal to the ignorant
who believe it if there is an executive power to support the

laws The error of making a regulating law by themselves
neither is nor ever was in the people because it cannot be
exercised by them both on account of want of capacity impossi-
bility of meeting together & being necessarily engaged on other bu-
siness accordingly no constitution attributed to the people the pow-
er of making laws or imposing taxes on their own persons but only
the power of electing a representative to do these things for them
as they may choose when they please it is entirely their own
fault if they choose improper persons & consequently they have
no right to complain of what is really done by themselves for who
could make contracts & do any business with these people who
refuse to fulfill their contracts & who appear openly & vio-
lently against the deed of those persons whom they themselves
have freely chosen & commissioned to act in their name He
talks to the ignorant then for so he endeavours to persuade them
that the powers of legislation & execution are in them personally
even after they have in the most solemn manner given them
away to others is not only talking nonsense but it is promoting
venality & undermining the foundations of moral obligation
one may as reasonably tell another that the property of one
state is sold to him though he has sold it in the most
solemn manner to another for a price that he has received
& the other is in actual possession of it if the laws of

cut the tongue it could not be more properly entitled than on
those persons who are daily endeavouring to pervert the ignorant
part of the people to sedition & rebellion by telling them that
all power is in them & that they are not bound to submit
to the laws made by their representatives Persons who cannot be
bound by the most solemn contract or who never intended
to bind themselves or who claim a liberty of breaking their
engagements when they please are completely infamous
& incapable of being members of

degree of infamy or baseness A must
be that of those who turning the alms of such Doc.
tours yet labour to instill them into the people who know
no better than persons

thoughts of individuals & of society &
act uniformly for the good of the State to the best of their know-
ledge & judgment in as far as they are able & their engage-
ment is accompanied with the solemnity of an oath or af-
firmation some flatness indeed & consequently numbers
of the people will promise before they are elected that if
they shall be chosen to represent them they will uniformly
obey their constitution however contrary to justice or contra-
dictory to each other & that they will make no abuse
whatsoever of their own judgment but submit to be the

more vehicles of the sense or nonsense of the people who
chose them such men make a public profession of dis-
honesty & openly declare that what want

is to perform conditions that are contrary to themselves a
man who is capable of promising that he will do all that
he undertakes or that he will vote consistently the same way with
another person who is named before is a slave in the worst
sense of the word & incapable of making any contracts be-
cause his very soul & conscience are in slavery now the
slave of the people is certainly a mean & contemptible as
the slave of the monarch who sells

have certainly
incapacity of performing their
duty by selling men of worth for their representatives besides
the man who promises to be dishonest for the people will
chance be dishonest against them whenever he finds it
his interest to do so The practices of such men
have already established it as a maxim with the ig-
norant part of the people that no man ought to be
chosen a representative who will not engage to renounce
his own judgment & conscience & to be guided entirely
by their instructions which is establishing a rule against

common for a man to trust a man
has no judgment to act or no conscience to entitle him
to be trusted he ought not to be trusted & if he remains
any little that he may have or grounds to do any
thing that he would right wrong he surely declares
that he has no moral principle & that he is unfit to be
trusted & we ought not surely to then be a man who
trusts who himself takes care to assure us of the con-
trary Bribery corruption or compulsion to submit to
all instructions

& the like Bribery for the exacting
of such promises ought equally to disqualify every
man who is guilty of them from being an Elector. The
practice entering into a contract ought not only to be
for a depreciable but to have the use of their reason
be in infant. Idiots madmen or persons in a state
of intemperance are incapable of making contracts
& all contracts entered into with such persons are null
& void ab initio on account of the incapacity of know-
ing at the time what they are doing many citizens
then who have embraced an opposite opinion but ma-
king a solemn contract with their representatives

rationally than otherwise. They would have done
but where intoxication is voluntary it cannot be
pleaded as a breach of the contract made by a per-
son in that state. A Contract is a deliberation
agreement intended to by persons who can judge of its
conditions of their own ability & willingness

now a
child under age an idiot a madman or a man in state
of intoxication cannot judge of the matter of a contract nor
determine whether it is wise just lawful or profitable
that they should fulfill the condition of it but intox-
ication is no excuse for elitors & cannot upon their
obligations to abide by the men of their choice were
thought these Elitors could prove that they were all
drunk at the time or a great majority of them

election facts
every man on his guard & if when he gives his vote
he is actually in a state of intoxication or utter inca-
pacity of making a contract yet he cannot plead this
as an excuse because it is of his own making now
we have for already that an ability of performance
that is produced by the voluntary will of the party

another I sell you all my land for goods but mention no
price to be paid for them so that there is not a *quid pro quo*

This is what is cal.

Ed a *nudum pactum* is a naked contract that is destitute
of a double condition & consequently void in law & for the perform
ance of it no action will lie against the person for whom
that maxim in law "*Ex nudo pacto non oritur actio*"

Mutual promissory contracts are a contract or a *deus trans*
actio between two parties it is necessary that both of them
should consent to it so exclusively that the one may have a
right to exact performance of the other now mutual pro
missory contracts are not a naked offer that is not
accepted cannot. The 4th Law of contracts is that a party
may either stipulate in person or by his agent or messenger or
by any person whom he has chosen to act for him & that it
may be made either in words or signs that are
mutually understood. When it is a maxim in the Roman law
"*Quid quicquid facit per alium per se facere videtur*" There
are many concerns in life which men cannot manage by
themselves but must necessarily commit to others just as the

management of a just justice

sent by the Sec which must be committed
to a superior cargo or assigned to a correspondent or also the
rights of a citizen to make laws which must be committed to his
representatives in the business of a state

Embassadors ^{or} Plenipotentiaries now

unless the deed of
them all mutual faith must cease among men & all business
& contracts in the world must be laid aside unless when
the parties can meet & transact personally with each
other necessarily therefore has introduced the system of acting
by others but unless it is admitted that the act of the

the principle or employer the commissioning of him is
perfectly negative a ludicrous not to say fraudulent &
unjust. Of men were only attentive to the necessary
requirements of business & the mode which nature & ne-
cessity prescribe for conducting the affairs of men we should
not be troubled with the absurdity & dishonesty of men
publicly avowing that they are refused to be
bound by their contracts or promising publicly without shame
that they would not submit to the laws made by their
representatives if the Gallies of the people were not
dishonest & designing they would not encourage them

consist in not being bound at all either by their
own contracts or by the laws made by their own representatives
or in other words that liberty consist in having a discretionary
council of sense a law being guided by which & capture
The persons who encourage this notion do not consider that
they may one day be turned against themselves as well as
against others -

Lect. 152 April the 1st 1789 ~

Not only Kings & Queens have often turned their backs
when

~~They~~ They did not fulfill their promise or when the people discover
when Kings
had raised a rebellion against David the deluded multitude
blindly followed him but when they see

the throne has been over the wall or
when the people
have taken occasion to deliver
him to take care of himself for says he if the people get
into one of their mad fits they will certainly kill you
but

that since they will kill you for having
advised them against their interest but happily for the first

states the people never came to their senses & themselves

more than for the madness of the public."

"Intiduum ualque ratione uicti ut uoluerunt"

When the agents or representatives of parties have therefore finished any treaty or contract their respective or principles are supposed to abide by it & hence arose the origin of the qualification of Strictlyly which the right in ~~contractors~~ to bring their principles is openly acknowledged. The words in a contract are left to be clear & plain & understood in the same sense by both parties for if each party were to claim a right to explain his own part of the conditions of the contract endless litigation or strife would be introduced into the affairs of men & no contract would have any validity on the contrary each party ought to understand his own part of the contract.

To avoid & all equivocations & unneccessary of meaning entirely banished. The desire of doing this has gradually given rise to the way

the phraseology repetition & tedious enumerations which renders the reading of formal contracts disgusting but this practice instead of attaining the end proposed has had a quite contrary effect because the more the superfluous

& read a long time before we can find the conditions of the

attention can scarce
discern the essentials of the bargain under the great heap of
rubbish & needless phrase that is thrown over them
so that it is much easier to impose upon mankind by
these

plain words. hence there was first as well
as much in the conceit of the late Dean Keble when upon
finding that the essentials of an obligation could be expressed
by 3 letters namely the B, K, C & the vowels he proposed
these 3
letters I, O, W . 100[£] — Actions & signs were used

in dealing with savage nations whose language we do not
understand signs are certainly of great use but the same con-
sideration may vary with regard to actions & signs which
we have mentioned with regard to words namely that
they be simple clear & understood in the same sense by
both the parties. Symbolical action adapts from the man-
ners of early ages appears in the Roman Law as well as
in the municipal law of

is bound
by the stipulation of a servant or impinger to whom
he has given indentures or whom he has apprenticed

by frequent acknowledgment of his trust In private as
well as in public life there is a necessity of trusting others

cautions they must be distinguished by some token of trust
a letter of credence is the most authentic of these but when
we deal with persons who are acquainted with our affairs

is necessary that
the Law of England in conformity to the Law of nature
determines that we may pay with safety to any man for
part

his master
to pay a man money for him & if the master has pla-
ced his confidence improperly "Sibi impudat!"

his master cannot
be bound to repayment in case the servant should squander
or embezzle the money
to us who want to

as borrow goods or money in
the name of his master we may give him what he asks &
the master is bound to repay us even though the servant be
convert the goods & money to his own use. The 6th

ordinary sense
or the sense in which it appears from the signs that
they were intended to be used we have found at this almu-
dy in explaining the several ways in which contracts may
be made. Ambiguity is common in most languages the La-
tin is particularly so. For our own tongue is likewise

The French ended on time that their language admitted of
more promise than was but without reason when the
Normans made a treaty with the English King of the East

They made here promise to deliver to them the
half of his ships of war "Dimidium navarum suarum."
but when the treaty came to be executed instead of a surrendering
of half of the number of his ships they obliged him to
surrender

Duke of Normandy made a treaty with the
Landgrave of Hesse who had surren-
dered himself to him upon conditions they insisted upon of
ship and clause that they should not be liable to any im-
prisonment but by artfully changing a letter or two in one of the
words of the article the emperor intended

The words *Tristis e*

Enisi

slaughter being intended by *Tristis* their King
being

as if he would have

Bracelets on their left arms for all
he would chop what they wear on their left hands meaning
the Braces but the Latins having

by throwing all their
shades upon her they reckoned that they had performed
their contract because they wear these on their left arm

The 7th Law of Contract is that an action of any kind

is known that expectations are naturally raised & suffi-
cient to constitute a contract then in the
time of war when things are

that state runs in some
measure when Tribes of men are separated by hostility
& can not meet & approach each other in safety. The neces-
sary expressions of their sentiment must be made by sign-
al in battle & signal at sea on off their hand the
sinking colours of a ship or grounding the arms of a regi-
ment is a full sign of submission & a person who would
fight on then or offer them any resistance after these sig-
nals of surrender would be guilty of breach of faith &
of violating the Law of war & of nations on the other
hand such a signal made deceitfully

for the advantage
of the other party & then renewing hostilities would
be an equal breach of faith & of the Law of war. or
if that person should do any act of hostility he would
forfeit his protection as having abused his privilege &
violated the

The 8th Law of contract is that custom
in all parties the law is only the explanation of the

the public actions are to be explained & to explain them in
a sense of our own independence to custom is a
a custom differs the others to explain
the signal

one which we affect to it. a great number of
the civil conventions of men are constituted by received
custom of their country. The laws of punishment forms of
administration justice & of proclaiming war & peace de-
pend every where almost wholly on customs a practice in-
troduced by force may become a legal custom for being
such as men are reconcilable to

instantly it becomes a mat-
ter of convention but practices or sufferings to which men are
not reconcilable & with which they are made to comply
by force are usurpations

to be considered as matters of convention
of this latter kind was the Airpibell

England this
Prime Minister's designs against his government might be
formed in the night

the close of day upon hearing
which they were obliged to cover their faces out all
light & to keep them silent until morning this
custom which was continued under the Kings of the

people contracts may be distinguished as absolute or conditional & as single or reciprocal absolute contracts are constituted by a simple promise

In treating the doctrine of contract above we alluded most frequently to the reciprocal kind as being the largest & most comprehensive & consequently fittest to illustrate

may be made without any consideration on the other part These are likewise called gratuitous contracts as nothing is given on the other part but the promise is free

on one or reciprocal nothing lay a burden on each party It is the raising an expectation in the other party that makes these contracts competent to be enforced by compulsory law

a woman or to make a particular person her husband & damages for raising of expectations though they gave him nothing & did not even promise to give him any thing to induce him to perform his engagements

permitted to sport with the form of serious business & engagement by making promises which they intend not to keep but the

on their head as they indulge men in allowing them to will
as often as they please & deliver the last always to super-
vide all the former conditional contracts except promise
& stipulation under a condition. This condition may be
thus be something that does not depend on the will of the
parties or any of their voluntary actions but in either
case the condition must take place ~~when~~ otherwise
the contract expires & is not pleadable by the party

being performed Gaming & wages belong to the head
of conditional contracts though they are likewise recipro-
cal the event of the game or the happening of the want
that is the ^{of the wage} is the condition that
determines the issue of these contracts Gaming indeed
appears to be contrary to natural justice because it
cannot have the common interest

It appears likewise to be contrary to the Law of na-
ture in that it transfers property without any title
or equivalent as the labour of shuffling the cards or
shaking the dice is quite inadequate to the acquisition
of a sum of money & likewise because it can never be
beneficial to the parties. The possession of a gamester
is illegal & dishonourable in the acquisition without la-
bour of the other

by gaming are too obvious to need mentioning. Insu-
rance of ships houses goods or otherwise among condi-
tional contracts the preservation of these from accidents
though not the effect of labour on the part of the insu-
rer.

Therefore the insuring of these justly
entitles the insurer to the agreed Premium which
keeps the life of Trade & contracts signally
to the good of the public by being employed by great
numbers they

themselves which is perfectly lawfull
as these contracts tend to the common interest of
both parties

was doth France they common-
ly insure the trading vessels of that nation this
practice has been often complained of

consequent-
ly are bound to make up the loss occasioned by
their own ships as well as those that are taken
by vessels belonging to the crown

French it is found that
the loss falls wholly upon

but still they contend
that it is better for England that the Merchants of

got even at the risk of bearing all the losses of
the enemies as well as those of their own countrymen
appearances are often doubtful

boasting that
they had ruined the French trade. the greatest part
of them did not know that 98 per cent of the loss
was paid by their own countrymen

the other last impres-
sion contracts consist of mutual promises & mutual ac-
ceptance. Emptio venditio & locatio conductio for ex-
ample in the civil law belong both to the reciproc-
al & the conditional

latter kind Emptio
venditio is the plainest & most
human life & consists merely in the ex-
change of one thing for another which is supposed to
be of equal value Barter is the most original
form of commerce & ought indeed to be the only
one between different nations because otherwise all
the money or signs of value in the nation that
does not barter must pass
This is the
case of this country at present with regard to En-

of land

useful land hinders them from making
goods for their own use foreign merchant furnish
them with these goods & last get their money on return

is reckoned from equal to more than $\frac{1}{20}$ part
of the value of the goods imported

or sign of value
which the war had brought into this country must
soon find its way back to Europe

of law & to regulate
trade. but as long as the foreign goods are bought
& used they will be imported & the buyers
away from industry

oblige them to buy & this merchant must either find
away their money

or oblige our paying their debts
which would occasion a war of necessity as their
being demanded with an armed

now is could not be

one buys
to inform all that one promises one would
think to be a plain & easy matter yet we find that

the operation of these constitute the foundation of
public & private credit & the

Credit supports agriculture commerce &
manufactures but when mankind on account of
the common weakness of faith dare not trust one
another they are in a state little removed from
that of Savage & must

endeavour deriving little or no
benefit from society Truth & honesty as the treasure
of a nation what enable them to continue their
struggle for improving their condition without fear

depend on each others contracts all public efforts for
the common good must soon cease & every one must
strive for himself even the state of nature prior to
society when Thompson

he could not but that he
knew how to make a small town ~~become~~ become
a great & elegant city

arts & industry have
a tendency to better the condition of men but with
out truth & honesty in fulfilling contracts these
cannot exist or be applied to the good of the -

community

and it is only a bribe or an introduction
to certain loss when contracts are not performed men can
live only a very short time by cheating & sharpening
upon one another Industry must cease if the labourer

by good morals as well as by
just laws If a man runs to law when way con-
tract he makes he is run to lose in the end though he
he should always recover because the loss of time & the
ordinary length of suit

profits that can arise are from
the best administration of justice England is said to
maintain 100,000, men in the law department

of all
these though they were uniformly honest & diligent
would be of little consequence to that nation were
it not for the commercial honesty that is so gene-
rally to be found among them

Industry call its natural efforts would soon among
them

& to procure Possession of one were assured what was the
most effectual means for turning a barren wilderness into a
rich & flourishing country the best answer that he could
give would be to say that yet was inhabited by as he-
reath & indolent people the effect would certainly & quickly
be, follow Industry must fail for want of encouragement
or to quicken the spirit of it.

upon the use-
fulness & necessity of amercement, because we are
justly persuaded that the general practice of oaths wd
be the only & effectual — cure for the numerous
& frequent maladies of this country

Lecture 153 — April the 2. 1799 —

We mentioned as one of the necessary conditions of contracts
that the things promised must be lawful & possible the laws
ought to be the guardians of Morals hence a crime that is
made otherwise lawful ought not to be performed & is void
from the beginning. The compulsory laws of nature & nations
ought not to be degraded by regulating the transactions
of Robbers & Debauchees but only those of the honest & tem-
perate & industrious & if a person goes into bad company

he ought to be considered as out of the protection of the law
as well as out of the protection of Providence & ought to blame
himself only for all the frauds & injuries that he may suffer by
going into such company. The hire of the Harlot & of the
apostate ought never to be the object of legal investigation
& when there is any departure from this it is a sign of
most dangerous consequences because was brought not long
since before Lord Mansfield in the Court of Kings Bench in
England.

in which however she actually
held £1500 & the Court awarded payment to be made but Law
never appears disgraceful except when it is prostituted in this
manner to the vile purpose of

made
& made void Any promise given is rendered void by the ex-
istence of some fraud unjust & impotibility force is constituted
by actual violence or menaces employed by the accepting party
we have heard before that no valid contract can be made
unless the parties are free & under no influence coercion or
obligation whatsoever To determine them to make a promise
two reasons may be mentioned why contracts made in this

cannot have any

reasonable expectation of its performance being intended. A contract is the concurrence of the will of two different parties who are both free for doing something that depends on their will & to which they are agreed to be equally subjected at the time of making it but when a promise is extorted by force there is no concurrence of will at all because the one of the parties

& a contract cannot be deemed

voluntary unless both parties were at liberty to make or not to make it. A person who forces another to make a promise can not therefore have any reasonable expectation of its performance as by his using force he is quite certain that the will of the promisee does not concur to the transaction & therefore as it cannot be a valid contract

parties from the time of making till that of performance of the contract could promise himself any advantage from the will of the promisee force would be quite unnecessary. Besides he would be condemned by himself as he would think it the highest injustice to be put in the same situation in which he puts the other party so that he cannot be entitled to claim that which he would

therefore is not willing to perform at the making of the contract he cannot be

bound by it. Quare, the utmost force of a regular contract
is to oblige a man to do against his will what
he was once willing to do.

contracts made by force
is because the party who offers it commits an injury to them
for instead of acquiring a right he may be injured, neglected
or obliged to make reparation. no right can be acquired by in-
justice but if force were allowed to constitute a valid
contract one nation & another man might acquire a many
rights as he pleases by an artful & successful application
of force & might thus become grasped of a whole country
or lay all the inhabitants one after another under hea-
vy contributions. The want of sufficient force on the promisee
or the superiority of force on the part of the acceptor can
never therefore constitute a right on the contrary such
a promise when given to be made has been extorted by force
ought to subject the acceptor of it so even generally
for the safety of the public. The compulsory law of nature
for enforcing the performance of lawful & regular con-
tracts is the foundation of offensive war.

or the commission of injuries but the rea-
son just now urged does not apply to the case of con-
tracts entered into with one party on account of the
wrong offered by another for by the law of nature

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of another even although with him we may lawfully
oblige that party who has the command of the person who
did us the injury even by force to make good the da-
mage done & to enter into a contract binding him
self to abstain from such injuries in time to come.
Now a contract made in these circumstances is valid
& binding although made by force because that force
only became

injurious & of the unwillingness or inability
of the offending party to make reparation. Thus on
occasion of an invasion of
a state by the subjects of another whether in the way of
seizing a right

that state or state to whom these invaders belong to make
compensation for the damage done & to bind himself.

in time coming now this treaty tho' brought about by force is
a binding & lawful contract & the force that is used to pro-
duce it is involuntary & occasioned only by great violence & un-
willingness of the injuring party to make reparation —
the same is the case with those persons that are guilty of
assault & battery tho' obliged to enter into a recog-

negotiate for a sum of money which he is to be satisfied on that
thus renewing the assault & the contract though the
is legal &

binding having become necessary by gross violence & in order to
prevent the like in future the exception of force is like
wife

It was or military capitulation War being a return of the
state of nature & all Juerga Pomer a state being only
in a state of nature with respect to each other or having
no common judge or superior on earth force must be their
law & the "ratio ultimarum rerum" so that what is decided by
force among men is a content of the law of the state of
nature & by the same law ought to be executed because the
same force which induced the contract still remains to
compel the performance of it. for the same reason as before
in this Paroll the that was extended

Count Dupleix in this country during the late war was
he having brought his Paroll to the English in the
East Indies during the former war & the being known
to the troops & officers under his command made
him despised in their eyes as the French are known

exception to the validity of contracts in fraud which is
constituted by the deceit which a party employs in or-
der to obtain a promise. It is impossible to enumerate
all the ways in which fraudulent contracts may be
made. *Mille modis arboribus* as it is expressed of
y^e parties entering into a contract should have
the use of their reason on the same account they ought
to be truly informed of the nature & consequences of the
contract into which they are entering and as for this pur-
pose only that they need the exercise of their reason
It may often happen in business that parties may
be very unequally informed or on their guard with
respect to the subject of the contract into which they
enter & when any one party takes the advantage of
his superiority of skill or information to induce the
other to make a promise that is prejudicial to his in-
terest then when put into the contract because a
void contract supposes both parties to be fully inform-
ed of the nature of the engagement now the
incapacity which we
formerly applied to children & Idiots because a person

who is not truly informed of the nature of a trans-
action is quoad hoc a child or an idiot

advantage of his auden-
t ignorance is the same injury as if this ignorance were
natural incurable & unavoidable. The Roman Law makes
a distinction in this respect & is not very easy to be ap-
plied or applied to particular cases according to it the igno-
rance of one party when it is unavoidably constituted a
fraud & invalidates a contract but if the promisor had an
opportunity of being fully informed of the nature of the
contract though he did not actually understand it at the
time of making

any other excuse than Caveat Emptor
or that other axiom "Lex augustiniana non dormientibus
est scripta" In the ordinary contracts of Emptor ven-
ditor it is impossible that both parties should always be
equal or even nearly equal with respect to the know-
ledge of what they are contracting for & therefore in
common cases where every one at least has the oppor-
tunity of acquiring

interest to their own profit & denies them
relief on the exception of ignorance but when one par-
ty trusts to the other the person who gives the information

is bound to make it good otherwise he is liable to be punished
for making a fraudulent contract of undid the seller
of any sort of goods says nothing of their quality,
the contract cannot be re-
duced

And for it
then the contract is voidable on account of the false infor-
mation on which the buyer relied as true now the reason
of this invalidity like those of the preceding one are three
two first because a party who is known to be deceived con-
cerning what he purchases cannot reach an expectation
that he will perform his contract when undecieved then
if a man sells to his neighbour a horse that is lame blind
or otherwise himself is unscrupulous & at the same time
warrants him to the buyer or friend & free of all blemish
or the contract is voidable on the assumption proceeding
from a relying on doubtful & false information & a
Quaker is reported once to have sold a blind horse to
a brother Quaker & every friend is not quite unscrupulous at
the same under this assurance that he was free of all
faults but when the blindness was discovered & com-
plained of by the Buyer the Seller replied

an infirmit I never engaged that my Horse was
free from infirmity for we have all our infirmi-
ties & ended this quarter we mean the fells

or in the hire
or lease of land, horse, ships, coaches or Horses the
Lessor is supposed to

ground falls the contract void & the Employer cannot sue
on the performance of the undertaker; but if the circumstances are
of such a nature or may be equally obvious to either party
in that case the Lessor is not bound by any information or
opinion which he gives concerning them or him again
the rule rather than caveat Emptor In using the goods
that are located liable damaged or hired the Lessor or hire
is bound to use them longueam bene paterfamilias or

or abuse he is answerable for the damages but the damages
that are incurred by the rational & prudent use of things loca-
ted cannot be demanded of the Lessor It being the use of
the thing that he paid for the reciprocal contract of
Emptor venditor may be considered as a standard or

Terms the Buyer

the price the Seller the commodities, now if the Seller and
then arrange their mutual connection & dependence may
be illustrated by the rule of three or derived
on arithmetic for let these terms thus arranged be denoted by
the 4 first letters of the alphabet thus as A to B

the product of multiplied
by will be equal to that of multiplied by
that is in legal words, if the Buyer produces & pays the
agreed price then the Seller might be delivered the stipulated
quality & quantity of goods

on credit the arrangement is different
for then it will stand thus as C is to D so is A to B but
the force of the operation is still the same We thus don't pro-
portion that is the sign of commutative justice in all civil
contracts & all of them may be reduced to the form of
Explicit conditions except those of the

The reciprocal or
an Enthymeme to a Syllogism now what ever looks
or seems then don't proportion in contracts is unjust
ought to be redressed so as that the just proportion

may be extended
the crime

then making more give life life gives more

we say as
his former announce is to the security of his natural rights
so is the Plonoxia or criminal exact to that condition
to which he ought to be reduced by the law or else con-
sider the case as occurring under municipal law, &
not in the state of nature or above we may debase
justice by the rule of direct proportion

the Penalty in the
2^d the commission of the crime in the 3^d we discover
the 4th term which is the sentence accordingly on a
criminal indictment the form of a syllogism is al-
ways used

the major the commission of the crime makes
the minor & the sentence demanded from the conclusion
nere the fact of

law particularly of the Lex talionis which was
adopted into the criminal law of the Jews eye for eye
& burning for burning - Homer adopts the law
for bruise

which could thus translate "Nec

"Quam ne - arduum est perire sua"

Phalaris the Tyrant of Agrigento in Sicily who appears by his letters that are still extant to have been a man of learning

case. When one Perillus had framed a brazen hollow statue of a Bull he made a present of it to the King & said that he might enrich those in it who had for justice his favor & burn them to death by fire applied from beneath. Phalaris immediately

of his own invention for which action he is highly commended by Cicero & Cato - Justice is a regular Science depending upon fixed principles & essentially

Emphatic words may be much varied by different circumstances as by the time of payment place upon quality trouble expense & the like or by damage delay mistake defect or ignorance but by the doctrine of common sense & reason all these things may be reduced to the

rule of proportion In contract of Locales conductors as

he pays just as the tax & war of a ship the duty of a house
by
or a horse under the care of rational & attentive person or
the steering of a fool under rational husbandry but if
the latter is guilty of waste by wantonness

of a ship
treat these subjects in a wasteful & malignant manner
or if the driver of a coach or horse shall by accident or
negligence or farming occasion the detriment or loss
of said subject justice requires that they should be
compelled to make compensation the subjects which are
leased or hired ought at the term of the contract to
be entire & complete on their hand or if otherwise it
ought to be expressed in the contract otherwise it
does then by the law of England of a horse that is
found want, a shoe or any part

of a horse or broken the hire is forfeited The same is the
case with regard to a ship if it is cast away notwithstanding
standing rational care

by means of

G

Britain an influence

of the manner which an all legible of the big estate
away by the public law of Germany no rent is due
to a landlord for that whole year in any part of which
the numerous troops touch any part of the farm because
the tenant bargain for protection on which account
throughout the year.

or to do some small damage as if it is
looked at all the discharge the whole rent of that
year. Insurers commonly except from the accidents against

increase or melting of the snow & in insuring lives the in
like manner except duress or duress or self-murder
or depending on the will of the party. a second reason
why fraud ought to invalidate any contract
in as it intervenes in breach direct or imposi-
tion or injury - & consequently given the party
damages a claim to reparation instead of creating
a right on the part of the duress to his prejudice
even when the condition of a fraudulent contract is
not demanded the party who is deceived may have
an action of damages against the duress though

Lecture 154th April the 3^d 1789

The 3^d exception to contract is that of injustice which con-
sists in the wrong which a third party would suffer from the perform-
ance of a contract there are 4 diff. cases in which this exception may
be

The first is when neither of the contracting parties was a-
ware of the wrong others the easiest & most favorable case This exami-
ning the morality of external actions we have frequently put you
in mind that the *animum injurandi* or design of doing wrong
is the chief ultimate object of legal censure or punishment & that
when this can be fairly separated from an action it is not criminal
though it may be hurtful. Injustice is commonly connected with
fraud as there can be no injustice where there is uprightness of in-
tentions. By the Roman denomination *fraus dolus* malus it is
evident that they considered that there was a certain *dolus bonus*
or justifiable piece of deception & that criminality of fraudulent
actions consisted in their pernicious consequence but not in the deception
they supposed that deception might sometimes be innocent as when
a physician assures his Patient that a necessary operation will not
be very painful to induce him to undergo it or when he questions
something to us he has an antipathy under the form or name
of friend. Other things under the head likewise they reckoned those
deceits that are often practised on children to induce them to do their
duty or to prevent their asking important questions. In these in

did the intention is manifest though with respect to some
of them the consequences are not innocent but where the fraudulent
intention or other malice can be clearly removed from an action
it then becomes innocent though it may be inconvenient to a third
party. Where an honest man takes away by mistake and
then makes haste supposing it to be his own being deceived by
the singularity of the colour or figure or on the darkness of the
night this intention the case that the other malice did not
interfere a therefore that the inconvenience ascribed to another
is purely accidental but if a piece of a subsequent character in
broad day light comes out of the company a new gold land
hat belonging to another person

get in the case it would be difficult
to maintain that the other malice did not interfere or that the
thing happened by mistake or absence of mind. On the same

the parties were a-
ware of the deceit it then becomes impossible to suppose that they
had any immoral intention which is the only thing that is
summed up of law so that the contract is simply a
lost no contract or promise is due either to the promisor
or to the acceptor. The second case is when only the party accepting
was aware of the wrong then if a man engages to do an
illegal action as in the former case not knowing that it was
illegal his obligation ceases the moment that he is un-

decided & his ignorance of the lawfulness of the action
exempts him from blame. Knowledge is absolutely necessary
to intention or design "ignota nulla cupido" & when it is
disproved that a party had no knowledge of the
wrong then the Contractor is not only void but the party
accepting has committed an injury against the party pro-
mising on call or against the 2^d party who would have
suffered if the contract had taken effect now both the promisor
& the 2^d party in this case would have had an action of da-
mages against the acceptor if the contract had been actually
performed but when this is not the case the acceptor is bound
to find bail for his good behaviour in order to satisfy both —
The 3^d case is when only the party promising was aware of the
wrong & this may be divided into three 2^d according to
it it must admit of different relations 1st If he promised
with an intention to perform

2^d If he promised with an intention not to perform
but to plead the exception he is then injurious to the party ac-
cepting but in either of these cases the promisor is injurious &
an action of damages lies against him. The 4th case is when
both parties were aware of the injustice in which both are
concerned &

consequently a liability liable to actions of damage. Mutuum
is a contract in which one man lends to another something
that he promises to repay by a thing of equal value either
of the same kind with the thing lent or

on the same of contract applies to
lends of money corn provisions or any consumable or saleable
article which one man borrows from another under the promise
of paying him something of equal value in return & commonly
take place on the condition of paying interest for the use of what
is lent according to an certain rate or proportion for a determined time
now it is by these two latter circumstances that the mutuum is
distinguished from the commodatum but we use the terms of
borrowing & lending indifferently with regard to each having
no term in our language to express the distinction between
them thus in any contract of mutuum the borrower does not
promise to return the same individual pieces of money grain
of corn

commodities which he borrowed but only something of equal
value in commensure which may be either expressed or implied as
the parties agree and if any particular piece of money or good
is expressly stipulated payment must be made in such excha-
nge but if only value in general is expressed then must be un-
derstood of the current money of the country when the contract
is made now as the possession of money may be deemed saleable

advantage to the Borrower a certain rate of Interest for a certain time may be demanded by the lender & this is fixed by the laws of the Country & the proportion with the state of money as it is to the demand

What takes place is it where money is scarce & trade profitable the interest might be at a high rate but where money is plenty in proportion to the demands of commerce the interest must be low In England the legal interest of money is 5 percent though the

parliamentary security the charge of the use of stock In the East Indies the legal interest of money is 8 per cent among the Moors it was commonly 10 In Contracts of mutation or lending of money all the other species of mutation being quite easy the borrower must give security to the lender not only for the principal sum borrowed but likewise for the interest agreed

personal & real. Personal security is the honor & character of the Borrower on which the lender relies & comprehends all his movable effects but the real security is the pledging or mortgaging a land estate

conditional conveyance of the Estate to the lender in case the sum borrowed is not repaid at a certain time. Of the creditor depends on the honor of the Borrower

credit & effect of the Honours are very small except at the
same time he has a real Estate the Undermay at the same
time

The feudal Law in many cases did not sub-
ject the real Estate to movable debts but reserved it for
the Heir in order always to leave a sufficient number of
vassals to the Baron without of the Soil They likewise in
purposes made the conveyance of real Estates very tedious
& difficult with a view rather to prevent the Proprietors
of such Estates from borrowing by lessening their credit
to the detriment of the patience of Creditors & keep Estates always
in the same families

His purpose is call for his lawful
debts all attempts therefore to cover any part of the Estate
of a debtor are contrary to natural justice & by the com-
mon law of nature ought to be repelled by force but in
the ancient feudal constitution these regulations which were
made by Law in order to secure Estates in the same fami-
lies were not liable to the imputation of injustice because
the intention was known & in the Law itself
just that Proprietors of real Estate being only tenants for
life according to these constitutions in any thing else than
the yearly profits of their Estates during their natural lives

Is that they who trusted them with greater sums
were sensible of the ability or inability of the Borrowers
But it is melancholy to observe that state interfering to
honor & justice should have afforded their national cha-
racter the strongest law with a view to secure the creditor of
his person

whether a matter of charge or not of profit The Law of nature
ought surely to be the standard by which all municipal laws
ought to be framed & when the respective states only ex-
pose themselves to the contempt & execration of mankind
by making laws contrary

personal proficiency of the Borrowers
of money he may demand a security to sign the contract
along with him & to be liable of payment on his part in case
of failure & if he is not satisfied with one security he may de-
mand more untill he is satisfied because every man
has a right to put limits on what security he will trust
his money out of his own custody & no man has a right to
dictate to the lenders or proprietors of money on that head

But the Banks then were not a few people so
utterly destitute of common sense & so ignorant of the na-
ture of justice as well as of property as to make an objection
against that objection that the Banks would not lend
their money to every Body but only as they pleased as if this

law of nature to dispose of their property as they please
and to lend it to any person however sufficient unless they
choose it such Manford Injustices never made. No ap-
pearance in any this country and it is contrary to all ideas
of justice tho' agreeable enough to the notions of foreign
men to suppose that corporations or which is
the same thing great persons can be obliged by law
to lend their money to every needy person that applies to
of them

The right of property is entirely absolute and
man or society of men can be bound to lend their money
to any person whatever except as they choose. The stages
of the mischief publications that endeavored to propagate,
the other were only branches of a scheme to introduce
a community of goods &

no contract of both parties
an act agreed upon of a party be obliged to lend his money
against his will there is a contract made. by force a con-
spicuously call to all the multitudes which we have aban-
doned to belong to contracts of this nation which are
real & punishable injuries instead of being the means of
enriching

than another

for wanting a reason for not paying his debt, & the
might from subsequent payment on his
that the metal of the country would be universally
degraded & all commerce put at an end if any person
& County should be obliged by law to give away their
property

Princ to the public if it were really
applied to all that ought to be under it & so
far would rightly appear that it punishes those

with equal propriety to those who endeavor to

dispute to na
tural justice & to a Silver on account of their rarity
deriving a easy convenience as well as the general
esteem of them among all mankind have been a
desire by all nations as the sign of wealth & the rep-
resentation of property in the commerce & mutual trans-
action of men & when homely prevail the Bills of
private persons or of public companies will
equally serve the same purpose but where homely
does not prevail there will be no paper currency or
it will degenerate

Since that the acceptors of such Bills
either cannot or will not pay them but of all the ima-

general
sincerely hope that an ^{opinion} by a ^{few} ^{men} ^{of} ^{the} ^{state} ^{and} ^{judges}
the most ^{generous} & ^{disinterested} to be used

evidently deficient in honor & honesty
the Bill of a private man or the notes of a ^{company}
can be put in suit of payment or refused & the signers
of you can be obliged by law to pay them against their
will but who can go to law with

they please or dignitate the value
of their own Bills to the use of others when proper con-
sideration is entirely in the hands of private persons or public
companies it can go no further than their credit extends

anytime for good or ill but when
States become Bankrupt it is only a step to their becoming
Bankrupts and less to make these persons Bank-
rupt who have had the misfortune to

do not well know
mat with people who are willing to be cheated by their
promise. It is but to give a apology for a State not paying
their creditors that they have been exceedingly anxious

speculation at the expense of others. She is only
adding one crime to another but after all the means
art of chicanery & cheating an exhausted man must
see sooner or later by the utter ruin of their credit

phenomenon the rising generation
is a sincere adherent to all the arts of Knavery is
one of the best means for restoring public & private
credit & for removing the manifold & heavy inconveni-
ences that arise from the want of them

or excuse. It is to no purpose for a debtor to say that
he was robbed of his credit & money & that he is not to

of that nature. The law ought to be such as to see ex-
ception made to order payment to be made while
the debtor has any property

till the demand is
satisfied. The law is entirely conformable to natural justice
though the municipal laws of countries are

Borrower is his Creditor till his claim is satisfied
but if Solomon had lived after our terms on which
debtors are the sole Legislators — he might
have given the lender hands to the Borrower & Mi-
gged by laws of the Debtors making him

alone till he had have ^{been} ⁱⁿ ^{trouble} as that of
pay his lawful debt -

When the citizen can have confidence in each other
the lending of money upon Interest may be of great consequence
to the public many men who are possessed of useful talents &
arts are not however able to apply them to the benefit of the public
for want of the command of a little money but when credit &
confidence prevails which depends entirely on punctuality of pay-
ment such men are easily enabled not only to exercise their
talents but to acquire property for themselves by careful
industry & to instruct others by their example how to acquire
wealth & to realize a great deal of property that was not for-
merly in existence that agriculture might be watched & improved
which does not find the husbandman himself only feeds him
& his wife & produces such a surplus as may enable him to buy
what he wants from abroad even in this case no property is real-
ized & nothing at all is added to the wealth of the Country when
there is no trade that brings in money or the signs of wealth
especially when a trade exists that carries them rapidly
out the money & property of that country must be in a very
quick decline like a candle burned at both ends. now if

there is no property realized except

by small & one good person must let every man see the utmost extent of all his acquisitions for life. The sign of value not being the material product of the country, cannot then for remain inert for his increase - unless there is some property produced & realized here which may bring them from the countries where they are to be found & from we have no occasion to bring any goods now if even the best cloth & the most expensive exportation were able to pay the debt which we contract abroad in one year five years at least might be the period of ^{our circumstances} without altering the probability of them but as this is not even intended to be the case our affairs must be on a constant degradation & our debt enlarged as our money

repairs them which can only give us something to eat while we are wearing the unpaid manufactures of other countries - has already increased too long but perhaps the total failure of credit with which we are threatened

truth that we have been playing the fool & the money is only the negotiation of immaterial property & a list of the Ballance of disadvantageous Trade but when there is little industry & few transactions among men as must necessarily

commodity there can be but little money & little satisfaction
but where much ~~work~~ is done & much property
realized by labor the transactions of men will be a-
marazingly numerous & extensive & the produce of their labor
will not only supply the want of their own country more
but afford a considerable surplus to export to foreign nations
which may

value in a state but where there is no such influx or induc-
ing to produce the money in any country must be constantly
diminishing without being capable of increase like a vessel
of water with a hole in the bottom which

little time having no
means of supplying money being the produce of Industry
will always be found when that abundance must soon be totally
wanting when it is not as the productions of Industry fur-
nish the subjects of human transactions & commerce they let us
use furnish the signs with which it is carried on but these
signs make no real wealth with industry & have a much
less relation to its productions only a certain quantity of
these signs is needful in any country & should the necessary
quantity be gradually

instead of being beneficial what are the consequences
for instance of the too great abundance of unguished money?

were to become possessed
by means of 50 or 100 bushels of milled Dollars what is the
the consequence? only the stagnation of all industry & a short
fit of national madness

would go to work in the field for
a small reward or would do the least thing to increase his stores
The wages of laborers & the price of provisions would rise more
than 10 fold & we would be the most miserable people on
earth till our superfluous wealth had found its way to
other nations & returning necessity had obliged us to work
for our own support money is to industry what water is to a
mill a proper quantity of it gives life & motion but a
larger quantity extinguishes & destroys it while the
wages of the laborers are paid & the transactions of men
multiplying Industry by the means necessary & conti-
nues to augment properly but when there is too much
money in the circle industry

As much money therefore or circulating paper of value as
quantity & number industry is really suffering most but
a greater quantity only cheats & stifles it by rendering it
unnecessary & promoting idleness as a vacuum is
necessary in the natural world for the sake of motion

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greater to discourage men from labour altogether nor
so little as to make them indifferent about it but just
a degree of necessity as might keep them constantly
employed now if a man can earn as much in one
day as can support him for a week he will not even
work two days & then only a 6th part of the work will
be done that might have been done & so of all other
proportions money lent on Interest can be useful only
to the indolent the idle can have no prospect
so that all that is lent to him is necessarily
& unavoidably lost thus if a man wants money only
to buy men foreign commodities or to buy lands that
produce nothing it is a misfortune to him when he gets
it lent a much greater misfortune to the lender who
can have no hopes of the payment from a person whose
circumstances can never be better & whom every rising
price & higher men deeply in debt land is of no value at
all if it is not cultivated or if its productions are not sale-
able It cannot therefore increase the credit

although therefore we had money lenders
in every town who would lend every one as much as they
pleased yet if we have no industry they could never be

regard & though they are all to give us a great deal

other countries so that we would be just where we were
again no bank or private person will or dare lend
without the prospect of repayment & state money is of
all others the most fallacious & hurtful because it is
in the power of the meanest citizen to reduce it to nothing
in a little time

There are an eternally employed in depre-
ciating it & economy therefore that is liable to depreciation can
never be for the interest of the

A. W. Wards & whooped

upon the ruin of expending credit no man who borrows
money can ever be able to repay it except either he has some
trade in which he employs it which produces a profit
much larger than the legal interest or possesses an Estate
of growing fertility In short the borrowed sum must
be somehow employed so as to produce besides the inter-
est a sufficient profit to the borrower to recompense him
for loading himself with the payment of the principal &
actually to enable him to pay it at the time stipulated but
to borrow money when it does not produce greater pro-
fits than those instantly applied unless it is merely to
support one credit for a little time which is a signal

money without buying any account of what he gains
by it but throws it carelessly into the gross amount of
his own property he may be ruined before he is aware
ended

of money by those that have neither any pro-
fitable trade nor subject of improvable property is only
fraud on the borrower & ruin to the lender. To borrow
from one person in order to pay another which is called
in the Roman law "Mutuum facere" is a most
cruel & miserable snare which gives no alleviation
to the circumstances of the borrower & can last only

manner must be very quickly exhausted. The lender
of money if he has good security needs only to wait
the lapse of time because the law supplies money to
production and always really rather employs
the law of all countries have forbidden the exacting
of compound interest as per interest on account of the
amazing advantage that it produces to the lender &
quickens what it must bring on the borrower
This indeed is so great as to be quite incredible ex-
cept it were established by calculation yet no
law can hinder the lender of money from lending out

profit to them though not the same. even so the others
lent there there is no productive industry the lending
of money must be useful to the lender as well as to the
Borrower. Usury is the demanding or exacting
more than legal interest for the money lent & contract
made for such a purpose or on such a condition an
aid or law yet this offence may always be committed
with impunity as long as the lender & the Borrower
agree together.

whether they are able to pay before they at-
tempt to borrow because it is the same degree of dishonesty
to borrow when one does not know whether one is able to pay
or not as it is when one knows for certain that one is
absolutely unable when men conceal their guilt from
themselves they increase it instead of diminishing it
it because guilt like Debt grows by neglect &
really exists though.

Borrowing money cannot therefore
be entered into bona fide unless the borrower has carefully
calculated & considered his various plans & opportunities
of gain so that he is morally certain that on the
usual course of things he will be able to repay the

possible & entirely at the loan agreed last to
borrow money without this certainty in regard to pub-
lic holding we are now speaking of personal security
for when a man mortgages his estate it is quite
free because in the case the lender knows the
nature of his security & the probability

of losing property from the claims
of casual creditors is to render the sale of the estate
most difficult & tedious & difficult for a community to make
not just & dangerous to a community. Indeed
when money is loaned & luxury at the farms
then greatest many men will easily

Usurious contracts are hurtful to society but still will
prevail in proportion to a taste for luxury because by
the nature of things the law cannot prevent them

In England the lenders of money have incurred a
difficulty for using which puts them out of the
reach of the law by giving out their money not as
a loan but for the price of a yearly annuity
which the borrower grants

any time by
making payment. one of the many common ways
of borrowing money is what is called the Contractus
Mochatra which though long since famous in
the civil law is still practised in many countries
yet had not got a name

its arabic name
The Contractus Mochatra is only a fictitious sale of
goods entered to cover an inferior contract when
the borrower applies to the lender & e.g. for the
loan of 1000 [£] he tells him that he has no money

and procures a bill to the borrower at 1000 [£]
& he having no money signs an obligation for that
sum then in order to dispose of the good thus
bought for 600 [£] which he accordingly receives a ficti-
tious obligation for 1000 [£] remains in the hands of the lender

Lender just fills & then buys back his own goods with
out informing any other person the numerous fraudulent
nature of this sort of contract is very easily seen but no
law can possibly prevent it as it can be committed
at any time in secret with the consent of the parties
concerned only wisdom &

After kind The jews
are great dealers in this kind of contract but it
is by no means peculiar to them it often serves whe-
re as a vehicle for bribery & corruption at Elections
the candidate paying an immense sum for a
very true

value In the manner a single apple tree
has been known to have been sold in England for
5,000 [£] sterling & a leg of veal for 1500 Guineas
In all the other cases of contract of modern exact
procuring of money no interest is legally due unless
it is expressly stipulated because interest is not due
by law for any thing exact money It would be
endless to enumerate all the different species of contracts
that occur

But all of them when understood mean
to easily reduced to empties venditio is simple

exchange & by that means the rights of both
parties may be

• an attorney of all paid
• & if they will easily make a man to defend
• debt even in its closest defence & to assert the
• rights of men which were given them by nature
• even when entangled in the web of municipal law

of Law set out with these views a person thus uni-
formly in their practice they may perhaps have it in
their power to do signal service to their country but
in order to do this effectually they have likewise
need of honest money which it is not in their power to
procure The 4th exception to contract is that of im-
possibility which extends to every thing that can

every article that exceeds the power or that does not
depend on the will of parties now the exception of
impossibility like the former may be offered in 2^d
cases 1st when neither of the contracting parties was
aware of the impossibility
or secondly when only

impossibility which conduct is either quite ration-
al or may be injurious to the party promising
by drawing them into from a foolish attempt
or folly when only the party promising was aware
of the impossibility in which case it is injurious to the ac-
cepting party by creating vain expectations but the
laws of nature are so perfectly

only by accident so that contracting for impossibilities
makes a very large part of the transactions of our
world as well as one of the most extensive kind of
trade accordingly conjurers & judicial astrology have
been very famous in most ages though it were their
sole business

futurity which nations have hid from men
Mankind however are so fond of knowing futurity
that they have always listened with great eager-
ness to such as pretended to be able to tell them any
thing about it & not only paid them richly for
their pretended labour but have kept themselves with
great care from discovering the impossibility of

thus

& Witchcraft depend upon the same principle yet
the persons to whom have long manhood have
been taken to bed by them hence we know of narra-
tion in which it was not believed that there was
some method

that was which can not yet be laid aside. Armin in
ancient times were always attended

by them upon
most occasions Calchas was the Augur of the Grecian
Army before Troy & in Iphigeneia attended a dinner the
providing of Alex the G in her exten-
sive travels thro' Asia & Africa The Trojans in-
deed appear to have had no Augurs though their
allies had funeral of them in their armies Homer
introduces Hector expressing his distrust in augury

the East or to the West yet the rest of the Trojans
are contented or shuttles in augury This was a pre-
dicted scene in Rome from the time of Romulus down
to the times of migration a period of more than 1100.
years

The promise of golden office & deliverance

of contracts for impossibilities & the poor furnished the Pagan Superstition & gathered the vast sums of money to push for prophecies to do for them what could not be in the power of any man

& the plan of the phylosophers was first introduced into the world but it was become a great quack & had ruined many people as early as the reign of Dioclesian as we are assured that a number of Brothers on this art were banished by his order in Egypt & even in the time of Pope Leo the 11th alchemy was still in fashion & as we are informed that an author presented a treatise on that subject to that celebrated Pope expecting a considerable present or money from him for the favour of the Dedication but the Pope only sent him 2 dozen of empty cups with a message informing him that a man who could make gold needed nothing but paper to put it on the paper

as Prodiges were
known both in the times of the Pagan
& during the Empire & though they were often
reasoned & ridiculous
speculations that they raised yet they had always so many

friends that these

genus humanum quidem in ista civitate per-
notabiliter et semper

"Manhood must al-
ways have some favorite delusion the inducement, promit-
ise of Quaker to treat all despotic and tyrannical systems of religion &
government

of government in which all man kind be things have suc-
ceeded to the delusion of former ages so that manhood are in
fact no wiser than ever they were but have only changed
the nature of their delusions

who tell them the truth & to admonish
abolish their delusions & enemies. The 1st Mississippi that
both parties are aware of the impossibility of actually irra-
tional & absurd yet some of the most famous transactions
of manhood have been

liable to this exception

Century all the people in
Spain were quite mad for opening a trade with the Missis-
sippi & though they never attempted to begin the trade
immense sums of money

imaginary property of the Mississippi Company
were bought at immense prices by looking in these

returns by
sitting out their hands while they bore a high price &
multitudes of oppressed people were reduced to beggary

the same manner seized the people of England at the very
same time as they have always pretended to be inferior to
the people in any

that Country a Trade was opened to the South
Sea & a governor & company were appointed & incorpora-
ted. Books were printed in a number of places for receiving
subscriptions & all ranks of people vied with each other in
subscribing their names & depositing their money in
the hands of this company who promised common suc-
cess though they undertook

considered that the English had not
any sort of land bordering on the South Sea & that all
the countries bordering on it were either inhabited by sav-
ages or in the possession of other nations & consequently
could not trade with them they had indeed only the be-
nefit of

to supply the Spanish Settlements with
silver yet the improbability of the thing ^{did} not seem to
obscure

understanding & when the subscriptions were full
the share of the subscribers was brought back from
them by others at immense advantage & even the

share at a still higher price & many people exhausted their

paintful & grimey & sordid In a word it was not
possible to conceal the madness of the nation at that time
The Books

conspirators for such were many other designs & other
fantastic titles yet

These infamous duplications were called by
the emphatical name of Bubbles yet found abundant con-
firmation & multiplied wing & one of them was de-
signed the governor of the company

more extraordinary I have seen several of the actual victims
to them who thought persons of sense were taken in with the
general madness

In Florence Household servants & apprentices to
 tradesmen were enabled to buy the Estates of great Lords &
 persons of the greatest fortune were induced to

on that occasion if indeed
they could be said to have had any who did not conceive
the impossibility of the gains that were made to them

observed that
a greater number of those persons who became rich on ap-
peals became mad than of those who were reduced from
opulence to beggary which fact numbers

in protection & the -

in the English funds under the name of S. Sea stocks
was it impossible to suppose that all or even a considera-
ble number of the people who were concerned in these
undertakings did not perceive the impossibility of
the design in which they were engaged

appears wise at
a time when madness was in fashion besides the gene-
ral exception to contracts which we have mentioned
there are some particular to conditional & reciprocal
contracts. As 1st All conditional contracts are void if the
condition has failed or is found to be unjust & impossi-
ble this is only an application of the foregoing exception
to the condition of a contract in which its performance
is suspended all conditional contracts are susceptible
of a double issue even if the condition taking
place they ought to be performed and if it is not they
are void of course now the condition being liable to
exceptions as well as the performance that disputes
that subsists against it amount equally to the avoid-
ing of the contract as if they had related to the perform-
ance it is to require a promise from a lawful thing
under an impossible condition is the same injury as
to require a promise which is in itself unjust or improper

be because by the nature of

conditional farther
because ignorant people are most easy to be imposed
on by form of a conditional contract as they are often
not able to discern the injustice & impolicy of them
Thus an impostor pretending that he could raise the De-
vil offered to sell the useful fust for a sum of money
& found one willing to purchase it at a very high
price but when it was paid the impostor told the
other party that the fust was of such a nature as could
not be communicated in words or writing

he could immediately
send himself possessed of the fust according returning
to the next room he made some pills that appeared to be com-
posed only of bread

He could never show them so that when
the candidate for conjuration had almost cheated him-
self by endeavoring to swallow one of them

Devil than to
use the same ruse a second time. The conditions of
a contract may be either a mere contingency or it may
depend on the will of either party when the condition
is a contingency the parties may be allowed to anticipate

by the Statute at the beginning the transfer of pro-
perty by the game of chance or shall have accord-
ingly been tolerated in all nations but must be held
very lawful or honorable in any, especially in it except
the transactions in gaming & the game of play have
nothing in them that tend to create a right according to
the law of nations.

excepted to on the score of injustice or
want of ^{accordingly the law of England gives}
no action against the loser to the winner of any sum above
10^l but the principle of honor which is most properly employed in
enforcing the payment of lawful debts has been seized & ap-
propriated by the gamblers & by this suspicion & misplacing
of things

incurred while the most unjust claims are satisfied merely
because they are called debts of honor by men who are entirely
destitute of that amiable

party promising he only becomes bound
to perform one action in consequence of having instantly
performed another now if men are wise
they will make no contracts for transferring any
of their property or contingencies except only in the case
of insurance at sea & in

manhood in the course of lawful
industry if the condition depend upon the will of the ac-
cording party he then acquires a right only on the event of
having performed the condition. In mutual contracts

from the other. Thus a captor as if plain as to need no
commentary or explication whatever. The Law of acquisition
or by forfeiture depends on

incurred either by
breach of a contract or by committing the crime where
he has done an injury is bound to repair it in the
manner the injurious person has forfeited to another
what was formerly his own right now in the case

is the first stage of justice & the second is to prevent the like
in time coming. The municipal laws of nations ought
to pursue the same ends & in the same order no man
can perfect by actions that are casual & unvol-
untary such actions which are prejudicial to others are
injurious not injurious a right of property is
acquired by occupancy only

not formerly appropriated
is acquired by labour alone while things are in

Industrious approbates the
production of it to the person who first seized an
example

from convention & not from
company. It would be well to endow ourselves in
most parts

property to the Beginning or to rectify all the wrongs
that may have been committed in the course of
age. because if we look a little backward we will
find that the most part of the just rights of man
in the world are originally derived from unjust
the violence & usurpation.

to give a distant
foundation to property the peaceful possession of land
for a certain number of years is held by convention
to be a right of property in whatever manner it
may have been originally acquired. Thus in England
the year peaceful possession constitutes

charter or deed & what so
ever. The Law of Consequence in company for securing

them as due time the loss of Evidence & the uncertainty of
decision on often owing to the delay of parties to prosecute
their rights in due time & therefore the law holds it to be
better for society that from just rights should be
totally lost rather than that all human efforts should

by the delay of the parties to
act for themselves the utmost effect of human laws is to
make things better but not

Human Rights is as far as the Science of Law reaches but to put every
thing without exception in its proper place belongs only to a ju-
dicial State In balancing convenience & inconvenience it is
much of human laws are able to prevent the greatest number
of evils to preserve the rights of man as far as possible yet the
law of every country

ground unless beyond the years of prescription or
when may probability of proof
ambiguity of rights or the probability of our forming
grants well to innocent parties who have acquired a right to
them but although prescription
& the rights of the claimants yet no crime

can fall under the law of prescription but may be
cumulative at any time when discovered By municipal
Law & indeed

time in order to prevent vexatious
suits which are often the offspring of private revenge or the
gruelling sentence proceeding in a court of imperfect wisdom
In the laws of Germany & Poland there is almost a necessity
of establishing a short term of prescription both in

to prevent
vexatious & needless litigations. Hence that as long
appears always to be oppressive which is evidently

poor but a united & cheerful policy or rather want of
policy often leads ignorant legislatures to seek to endeavor
to make themselves popular by granting time for pay-
ing taxes that they have imposed which says & those
under a like necessity of rendering them still easier
by annulling them altogether Property may be transfer-
red either by convention or by force Convention is indeed
the most natural & usual way of conveying
rights of property but in case of debt or crime they may
be seized but conveyed by forfeiture

High Treason is
the chief crime implying forfeiture though in England

a sentence of excommunication after a year & a day has
the very same effect but

forms a convention transferring
property in a conveyance. This commonly consists of two
parts consent is delivery. Municipal Law alone can
make any difference but as to the mode of conveying
movable or real property a party who has obtained

delivery may defend
as owner the subject in the right of the former proprietor
but not in his own which the law supposes to commence
only by delivery a right of property may be conveyed by firm
the delivery without deed when it is only intended to be
conveyed in trust or the attempt of another such the right
of Shopmaffers

to them what they may maintain
against all others. Examiners & administrators consider
as by a will have likewise the same kind of right to
the Testator's Estate

By the Law of Nations consent is the
only thing required generally in a conveyance but delivery
may be made necessary by municipal law. The
regard & reverence shown to last wills is only an effect
of convention among the living thought a person having

seems reasonable that he should make the
time of his funeral Entry to commence only at his own
death

by this death which admitting that it terminates
his right yet cannot militate against the conditional con-
veyance that was made in his lifetime These writers seem
to rest too much on the

dead cannot convey property he
cannot say they the party dead - having no right the subject
fall to the first occupier But the custom of all nations
are against this notion

them

Lecture 156 April the 6

The Roman Soldiers were allowed to make their wills
 viva voce which were called Testamenta
 might make them by sign or mark in the sand after they had
 fallen in battle upon the testimony
 of it they if privately were allowed to
 make theirs but the military form was defended with in the
 case of ^{or in a case of necessity} while they were
 maintaining the rights

fair that any of them can right. I think to have been thereby left. The
privileges of the Roman soldiers were equalled with
Suetonius who describes them as they were
in the night of dominion. I consider them as really extensive &
not a little vexatious to the other citizens. I must seem that they
could not be judged in case of crimes except by their own officers.

The immunities of the Roman Catholic Clergy from the civil author-
ity are only an exact copy of those of the Roman Soldiers in the
decline of the Empire but the immunities of the ^{of which}
Suetonius ^{Lucan} under the first Caesar who doubted
their pay & gave them many more privileges & it appears
to have been pretty well advanced even in the reign of Tiberius
as appears by the advice given to them by John the Baptist
"Do violence to no man ~~for~~ no man

believe that the
Baptist would call
offences to which they were
most prone & which were most common among them in respect
to do with regard to the soldiers by means of their
privileges became at last terrible to the Emperors as well as the
citizens.

Laws among the Romans became exceedingly complicated & nu-
merous on account of the number of Lawyers & legacy hunters which
last was almost a regular profession as early as the time of Augustus.

two the Moderates especially in imitation of the Presbyterians have
fallen into the same error with regard to that testament law
though the same practices are now far more uncommon than
they were in that sense the Clergy of the Church of Rome
Bishop of England

Causes to themselves from an imitation of
the Christians who used to have all their causes
privately settled by their own Bishops in order to
save expense and to avoid the scandal of

before the vulgar Tribunals. The last class of the rights
of man is the right of command we are acquainted by con-
stitution. Thus the power of a man over his wife which
is the first right of property that he can acquire is the effect
of the marriage contract but his power over
his children under age is in-
herited

as a consequence
of the matrimonial contract. The contract between master
and servant is reciprocal & is the foundation of the master's
right to command as well as of the servant's right to de-
mand his wages. The terms of this contract are such as
parties mutually stipulate or as human customs establish
when unknown. Scythian thing of Thracian
Among the demand the nature of the power

& the custom of the terms regulates the hire of labor.
as a Roman Denarius that is 10 asses appeared to
have been the

Polonium The civil contract or convention between the magis-
trate & subject is likewise reciprocal & regulated from
the part of the magistrate & allegiance is due prior to
the law on the part of the subject & the terms are such as
the parties negotiate in express charters & statutes or such as
may be ascertained by ancient customs

of Antiquity are now
entirely generally applied even in arbitrary countries & a man
hardly appears to be verging to the contrary extreme of anarchy
& confusion but they could not be got in mind of the rights
of others & the duties which they owe to society & to the laws
simple manners esteem confidence & the lustre of great
characters first introduced arbitrary government which be-
ing at length carried to intolerable heights & producing

to enquire into their own natural rights. The contrast be-
tween the foreigner & the subject is of the last kind & a
result of various circumstances to which a fixed meaning
is annexed by custom. Thus a man by being born
or by living in any regular society becomes ipso facto

for the protection which he enjoys among in the use
of his natural rights. It would be strange in-
deed if any person should be free from the ob-
ligation. The safety of a state requires that all persons
residing in its territory even though they belong to another
state should consider themselves not as enemies
but

which they reside. A man thereby residing in any
state necessarily comes under the laws of that state otherwise
he must imagine that he has a privilege above
others of being to nothing while others are bound
to him but the laws that bind others he ought to
consider as equally bind on him
the customs are the rights of society he
must consider as relating to him as well as to
others. The charters & statutes express the sense of the so-
vereign or legislator & the laws exact taxes of these very
people guard them. all the forms of a reciprocal contract
Persons commonly expect that great regard will be paid
to their words & they should not forget to lay hold on such
of them as make for themselves in this declaration
that are so often made by all foreigners of the love

that they have for their people

The Social compact from which according to some writers the mutual duties of men are deduced is a mere fiction in

by which a plea which arises from one person is sustained as arising from another. The social compact is but another word for the law of nature to which some authors have endeavored to give more solemnity by sup. it to have been formally agreed to by every one entering in

Society is itself a fulfilment of the same promise because all men are born in some society & consequently have no choice whether they should enter into it or not for of the terms

but all men being born under the same law of nature & the same moral laws must be under the same obligation not to do injury or to offend the rules of natural justice as if they had entered into a most solemn contract for that purpose. Thus in the Norman Law the mutual pleas of guardian & vassal which arise from equity were explained as arising from contract though there never was in reality any contract prior to the establishment of Society Custom Charters

of Statutes

actions of men are all posterior to the establishment of
freely some think that though justice is law may
be convenient & in some degree necessary in arrang-
ing civil actions they are of no use in explaining the
law of nature for they the law of nature very obligation
is admitted only when it is real & can receive no
confirmation from any fiction whatever In the opinion
of those writers the original rights of men founded in this
nature & the right of every person to defend himself an
to far from gaining force by being referred to a suppo-
sed convention that they are actually weakened by it
In the controversy in England about 100 years ago on
occasion of the last revolution this question was highly
handled on both sides but it was then in a great
measure new & almost all the
were in the side of absolute monarchy except those
who wrote in republics on this occasion the one side
called for the production of the original social con-
tract
unable to produce it but the Magna Charta of En-
gland was of great use to them on this occasion &
the Bill of rights established at the revolution -

Power as well as the other Branches of the Leg
The right to command in
a state ought to be denied to the person who is on posses-
sion of it from the consent of the public on one part & their
public acknowledgement.

of the real laws of the state on the other
whence coronation oaths have always been in use in mo-
narchical countries & the custom of publicly asking
the people whether they will have such a one for their
King is as most.

necessary to constitute the rights & authority
of magistrates. The law of nature which defines the ori-
ginal rights of men must however be conceived as
binding upon all without any

that a society have given the right of
command or supreme magistracy over themselves to a
single person & he there as most of them have done
without any

Power & therefore must forever be under an obligati-
on to respect & preserve the natural rights of men &
to administer justice faithfully though he never came

Government who have received from the people the
right of command ought to exercise it according to
the laws not merely because it is their right but be-
cause the interests of society require the strict & faith-
ful exercise of it. In this country where government
is almost entirely new & commonly very ill understood
it has been generally understood on the other hand that
magistrates defend commodities

the fact notwithstanding many will
have already ascribed the laws have become a mere gift
& the power of the representatives of the people to impose
taxes has been publicly despised by those who

& taxes have been
imposed that have never been submitted to even by the
Electors of these representatives who imposed them. It can be
no wonder therefore that our debts are unpaid & that

opportunity to subdue us when the laws have left all
gone & our boasted union is become a mere rope of sand
In England

activity proving that he acts always according to law

in proportion as he affords aid to the nation of a Broom
stick but no law or government can be of any use to y^e
people while they are not executed & the want of revenue
may be felt when it is too late when our allies demand
payment in a disagreeable manner

calculated only for present convenience
may without the least consideration of futurity that those who
have the administration of the laws are entirely subject to the
public if they show their power only by not acting

or magistrate altogether. The
right of command in the magistrate whether it be conveyed
in arising from the fiction of the social compact or from express
charter & statute or established customs or the former the pe-
cuniary & all subordination magistrates the execution of the
law is committed to them by the constitution or their
several charters & subordination. But the allegiance
& obedience of the subjects is not more binding upon
them whether expressed by oath

is binding on the other

The contract is reciprocal & when one of the Parties
neglects the performance of it on his part he has no
right to exact performance

of England allegiance & protection

the first The subject cannot be protected in the enjoyment
of his rights in any other manner than by the due execu-
tion of the laws which are the great security of the rights
& property of the subject & this execution is incumbent on
the magistrate.

private persons The public interest
is the source of defence & security & if that is de-
fracted either by
of the magistrate the latter is as much
to blame as the governor of a port would be who would
suffer that place that was committed to him by the
state to be taken for want of ammunition &

The obligation to
act & execute the laws is equally incumbent on all
of them & will be felt as such when they happen to
be capable of their being or have any sense of honor & pub-
lic The execution of the laws in a well governed state
ought to be like a machine that acts irresistibly
whenever the magistrate puts in motion & which
every man in the state is bound to assist in work-
ing.

The laws are as great as if a man were to cut off his

own right hand with his left one as every obstruction
of every man
right the magistrate says Cicero is a speaking law &
the law is a dumb magistrate but if the magistrate
happens to be as dumb as the law he is really worse than
useless

employed to prevent every abuse of power by throwing
innumerable checks & stops in the way of the magis-
trate asking but alas they are not aware that there
is an extreme on the one hand as well as on

of a Catterpaw & that
while they relax all the nerves of authority & provide
with an absurd imitation of wisdom an infinite
number of checks

of destruction by the arising of all its vital mo-
tion "Dum vitæ shallunt vitæ in contrarie current"

A vulgar genius can only
namely slavery & consequently returns
a society completely free of its liberty is only secured
but then wisdom teaches us to look both backwards

& forwards to the right hand on the left and to -
guard against anarchy & licentiousness than against
the lawless abuse of power. — — — — —

Lecture

150th April the 1st 1789.

The power of a husband a father a master
or a magistrate comprehend all the source of the right to
command. The grand prohibiting law of nature which forbids
all injuries ought to be considered as binding on magistrates,
as the social compact of such a contract had existed before
the establishment of civil government is intended for
the benefit of society and for the single endowment of the
magistrate. For though he is bound to act
of his action. He have

done no evil is indeed a gently addition for a magistrate
who has already done his duty but it is only the propriety
of a law to do nothing at all for fear of doing hurt the
fiction of the social compact appears to have been con-
tinued for the instruction of weak & ignorant minds who
would be easier comprehend the guilt of taking away
men's rights by having their injury presented to them
as the breach of a contract than mankind ought to

abstain from using of any kind or from breach of faith
as the obligation to abstain from breach of faith is actually
comprehended in the more general obligation to abstain
from harm of any kind a right to command or some-
times acquired by forfeiture when a person who has done
a wrong is obliged to regard it by his superior. The right of
a judge or magistrate to act in any particular case a-
gainst the desire of wrong is acquired only by the posi-
tive of prohibition on the part of the criminal but this right
ceases whenever the law is forfeited. In the state of nature
every person has a right acquired

to make reparation or by
committing the injury his rights are forfeited with respect
to himself & acquired to the injured party so far as

extends but no contract or forfeiture
can deprive a man of all his rights or render him the proper
lay of

for reparation & if the injury cannot be repaired otherwise the
criminal may forfeit his liberty for life we have seen already
that all the right which a man has to his own person is on-
ly an usufructuary right or that of a tenant at will but it
it does not include a power of alienation for the mind &

unalienable property which he alone has a right to dis-
pose of no man therefore is born a slave because every man
is born with all his natural rights none of us man has
a right to dispose of himself a priori he can for less
have a right to dispose of any others even the right of com-
mand which Parents have over their children is only temporary
& intended for the benefit of the children themselves & not
merely for that of the Parent The Roman Law therefore which
allowed Parents to sell their children 3 several times was
a triple transgression of the Law of nature & a constant
proof that they mistaking the parental right of command for a right
of property, & so that the supposed property of
the master & the slave & he positively cannot even be legal
even by the consent of the Law himself as he has no right
to dispose of himself & because "nemo dat quod non habet"
he cannot convey such a right to another person & the gre-
tension on the part of
against all right But this we have treated sufficiently
in Economics The public duties of probity

Magistrate & public spirit on all
parties. The
of the subject is the fidelity desor-
ine & submission which he owes to the magistrat in

the degree &
from the magistrate is the ready & effectual interposition of
power to enforce the law & to secure the subject in the posses-
sion of all his rights. The public spirit due from every mem-
ber of any community to that community implies first a
faithful discharge of any office with which a man is entrusted
for the public good. 1st a continual conference of public safety
to public honor & public good to separate interests & particu-
lar considerations. The first of these belongs properly to men
in office whom all others
ought to assist in the discharge of their office in so far as possi-
ble because the most active & faithful magistrate if he has
to do with a people accustomed to order & obedience to justice will
find it difficult & indeed impossible to execute the laws or
to protect the public without the active & constant support
of all good citizens. The 2^d belongs indifferently to every mem-
ber of the society as necessary not only for the assistance of the
magistrate but for the preservation of the peace safety & well
fare of the state. Every man either has or may have it in
his power to benefit the state & his good will to it is one
proof of its interest may be of signal service on many
occasions if the magistrate is supported. He is the only per-
son that has any interest in supporting the laws

has only a little share of public spirit they will not only occasionally assist the magistrate but at all times be ready to inform him of matters that demand his interposition. If a magistrate

he can be persuaded to inform the community of the injuries done to ourselves in a public & narrow spirit

public spirit. a very wrong way of thinking prevails for the most part on this subject which tends to the destruction of all government whatsoever. The character of an informer is reckoned so odious merely because it is so in bad governments that many men, who think themselves disgraced by performing this kind of service to the public but certainly that service cannot be infamous which is absolutely necessary for the being of government. So if crimes were not discovered they certainly could never be punished. The great error on this subject which generally prevails arises from a false notion of honor which is set up in direct opposition to justice as in the case of robbers gamblers & duellists to the state appears to

person that is an enemy to the state
by not informing against him new laws in respect to
lawful matters & honorable party it is base & infamous
to betray therefore men justly conclude that
it is dishonorable in every case to inform the public of any
thing that their neighbors want to keep secret but this
opinion can have no foundation in truth

many seem to think them; but the law must be neces-
sarily unjust & dishonorable if any man the sworn to the con-
tract is supposed to be engaged in a tacit compact against
them & it is to be reckoned base & dishonorable when the latter
the part of law & public order against

ourselves as very rational
citizen will readily acknowledge it must be equally honor-
able to give no support by every lawful means in our power
nay in some cases these very people judge in this man-
ner who are guilty of betraying the public in other instan-
ces for fear of acting dishonorably to private persons
no man for instance would reckon it dishonorable to
give

may he would reckon it criminal to neglect the duty
of information with regard to such things as the public

information though the services of the very same na-
tion with the others & the public equally transfused
those who write against republican government generally
for want of that

public spirit which that form of government requires in
the whole of the community & which is so rare to be found
among mankind. There have indeed been many over-
sights among us which have rendered the arguments
of those people very specious particularly our many
unexecuted laws unfulfilled obligations & unpaid taxes
as well as debts which are the greatest stain on our
constitution that our enemies could contrive & expose
in to the just defence of Congress as well as they gave
occasion to many of our own citizens to say that a
corrupt people necessarily requires an arbitrary go-
vernment not having principle or public spirit to con-
sider governing themselves which is indeed every true

as that a free government cannot be supported which
a very little time now will disclose. Having considered

allows us proceed to consider the defense of men on the same manner because these two make up the whole of jurisprudence by the Law of defense a person may maintain his right

them by any means that are necessary for this purpose the Law of defense is necessary consequent of the Law of self preservation or of it is the intention of nature that we should preserve our own lives & rights it follows by a parity of reason that we ought to counteract all fraud & to resist all force that is used to deprive us of them "Est enim hinc non semper sed nata lex quoniam non accipimus deducimus legem sed

accipimus haurimus experimus" The state of nature from which we derive many arguments & illustrations in natural jurisprudence & civil policy is not a mere fiction of the law

continually exists under all forms of government & comprehends all that vast multitude of cases where civil authority cannot interfere & likewise all foreign powers & states at all times whatsoever In case of sudden

• as often we cannot use the defence of
force the state of nature returns • natural defence
are the only ones that can be applied Even Locke tho
commonly little given to thinking on sensible that there
are some cases on which we must use our natural
right of defence the aid of the Magistrate being tar-
dy • at a distance but they widely mistake

of defence • public
punishment • what can be ground • supported by evidence
indeed the law comes in many scandals • are
manifestly absurd in all nations because they uniformly
ground on the supposition

between truth • falsehood The law of
England has adopted the spirit of the Roman law on this
head It is not long since Lord Mansfield declared from
the Bench that the truth

• might even be conceived to be an

The Roman laws de libellis famosis were form-
ed in the decline of the Empire with a view to protect the
weaklings • to silence the virtuous

character so that these laws
became a terrible engine of oppression as they restrained by
heavy penalties the liberty of men in an instance in

in giving their judgment of persons & Characters now
all the laws of Europe are much more directly & assured
upon this point than upon any other.

The Romans Moraw though wrong
under an arbitrary government ventured to rest on the
Law de famose Libelli.

" Si male quis
" Judicaverit. Esto sequi mala. Sed bona
" Judice condiderit. Laudetur. Cæsar

"

As in the use of our defence we are often in a state of na-
ture nature must therefore be our guide as to the
means

to redress wrongs that are already offered but also to
counteract the evil & those that are designed against
us. It would be folly to wait till the wrong is actually
done because

from ever making any defence at all but to
consider how it is possible for us in consistency with our
duty to prevent others from injuring us. It is the
part of wisdom to moderate the principle of self defence.

defence with-
out treating every one as an enemy. It belongs like-
wise to wisdom to choose the necessary means of defence
for rather to lose the enjoyment of life by indul-
ging a suspicious temper not by a foolish confidence
to expose ourselves to the artifice of those who may
have a design to injure us. There is a maxim we
may be confident abominable with regard to friends.
Such what

of life. "Amicus meus"
"Amica tanquam"
"Et"

It may certainly be considered as wise to moderate the
confidence &
suspicion young men for want of reflection & acquain-
tance with the world are commonly prone to both these ex-
tremes for they either place an unbounded confidence in those
whom they think their friends or if they suspect the contra-
ry
enmity now both these are wrong because it often happens
that those who profess friendship to us either mean no-
thing at all by it or are not fit to be trusted & that

those whom we subject to our enemies
on judgment

we may
exist ourselves to repel it & sometimes have not
the choice of the means that we are to employ for
in the case of an attack all means of defence on our
power which an necessary & essential may be used even
the taking away the life of the assailant though a
sense of humanity & duty will not suffer us to push
this extremity when it can be possibly avoided

Those of others even
when guilty of actual injury if we can avoid it at
the same time we may defend our property to extremity
though a small property ought not to be defended at
the expense even of a guilty man's life. The good nature
of the English nation has occasioned great audacity

men have
quarrelled with their property rather than distress a criminal
and has tended greatly to multiply the number of
robbers in that country of late matters are somewhat
minded & people begin to defend themselves which may
heads —

Persuasion artifice a force. If the person who de-
signs to employ us or not for his own reason or
solely on the force of argument. Persuasion successfully
employed is that mean of defence which an ingenious
our mind would most applaud. Still on reflection
he used in the

use of which it is impossible to lay down general rules
only such artifice may be used as is consistent
with the character of a person of virtue & honour.
To use such tactics in the arts of their profes-
sion is horrible

if his life is not in danger
but will rather stoop to have means to form when
it can be employed with any probability of success
There is something degrading in the use of artifice
which a liberal mind will view with aversion &
will therefore rather use force in the use
of force than go any great lengths in that way when
force comes to be employed though an excess to extremi-
ty & violence & even become necessary. The law of
honour however does not authorize the use of any

for the reason the use of language
unnecessary harm without any ^{was as doing} sin to the party
who use them but when they are once begun to
be used on one side the lex talionis immediately ac-
cording the use of them against that party who set
the example in order to make them weary of the
measure is to give them a taste

this purpose is an injury there may indeed be some
exceptions to this general rule for when there is dan-
ger of the injury being repeated or when we have a
rational apprehension that the injurious person may
do us still more harm

precautions as may
disable him from taking such a course with success this
a Member or an Officer may not only be expelled but
disarmed & bound & delivered over to justice for the
punishment of their unsuccessful attempt even though
they may be unnecessary for ourselves at the time we
are under a duty to the public & to the rights of others

to escape on the law of defence. author for us not only to de-
fend our own rights but those of others also when they are
attacked. Those of the public ought least of all to be left
out of the account as the public comprehend all our
private concerns & all that is naturally dear to a wise
& good man at the same time the injured party has no right
to complain because by having recourse to force, ^{he has compromised himself to a} ^{issue} ^{of}
blame himself for all its consequences whatever they may be
be

ED
L

The Law of defence may be applied to persons
in 3 diff^t. cases 1st that of single parties supposed to be

2^{dly} that of fellow Citizens -
3^{dly} that of Nations Perhaps it is better to take notice in this
place that under the head of corporation which is mentioned as

men legal groups that exist create parties
& friendly negotiation with respect to sovereign states are necessarily
included the case of single defence is commonly treated of under the
state of nature & in the state every man is supposed to be quite
unconnected with all other men. This kind of abstraction seems
unfavourable to illustrate the ground on which they defend themselves
because every man when attacked separately is in the same situation
with respect
as if he were really unconnected with

all men or as if there were no other men in the world except him
like his antagonist. If he calls for help in a desert place this is
an appeal to the feeling of society & a sort of protest that what
violence he might be obliged to employ is ~~wholly~~ against his will
& that he would rather choose to refer his right to the danger of
others now what may happen to a man in a wood or in a
desert was likely to happen to him in a populous city in the
midst of a great crowd of persons whom he only
are equally unknown. In such a case the bystanders if they
have any regard to justice will interpose to redress the injury offer-
ed & to protect innocence otherwise a man must do for himself as
well as he can. The English Mob have an odd conceit that a man
should always defend himself without having recourse to others
& therefore when they see two persons quarrelling who are unknown
to them instead of enquiring into the grounds of

fight play & to prevent any
from interposing in favor of any party & then the suffer the affair
last to ~~unless~~ the defendant happens to have
strength enough of his own to protect him the proceeding is as
small as it appears to be inasmuch as all observation believeth
the innocent & the guilty is totally

confused as if the attack had happened in the
midst of a company of wild beasts rather than of men a ~~hu-~~
~~mane~~ mane
of violence & will endeavour to distinguish between the inno-
cent & the guilty instead of making a part of the accident

their offense. In the case every man ought to consider him-
self as a jurymen solemnly sworn to do justice to report
for & condemn the guilty & a man ought to carry this
idea habitually through the whole of his life for a jurymen
is only sworn in order to make him recollect these ideas that
he ought always to have & those obligations which he is
under at all times. It may be said indeed to be absurd to
call that the state of nature in which men are not na-
turally disposed & in which they might certainly never have
been yet there are many situations in which nations place
us & in which we must feel as utterly unprotected with all
men & can have no benefit whatever from the defense of
society. If a person
we may defend ourselves in the same manner but
if he attacks us in the way of force

are those circumstances in
posterior among Ducliss the person who is challenged has
the choice of the weapon, but in all other attacks the assail-
ant

his own way as well as he can. The state of nature
however is not only a supposition under which certain ap-
plications of the Law of nature may be abstractly considered
but a true representation of the situation of men when they
arise

The agency & evolution of society perhaps

it might have

to suppose any two or more parties unconnected with each other though not but in cases where national defence is necessary the society to which each party belongs is at all distances out of the question in the same manner as when Paris & all Malakou were fighting in the field the whole of the Greek & Trojan armies were only spectators - that is

but having no convention can have none of these rights or none of these obligations which arise from convention alone of any such party therefore should commit an injury against one who the injured party would be entitled to his defence now in this case it is in vain to offer the most all reference to judges is entirely excluded by the ^{previous testimony} suppositions they

& arbitrators have said and are not likely to succeed they may employ force but still

it only in defence of their rights. The D case to which the Law of defence may be applied is that of fellow citizens who are connected by civil & political convention or which are founded a variety of additional obligations & rights. These parties therefore being subject to the same laws have an opportunity of deciding their differences by the Courts which have jurisdiction over both

society & the difference between a good & a bad form of government or between a

1
almost wholly in their judgment or willingness for securing the
rights of men & deciding their differences according to the
rules of natural justice Disputes at Law are

arising from the imper-
fection of men & their disposition to encroach upon the rights
of each other a just & honorable course of Law is one of the
chief perfections & advantages of a good government the
most governments indeed are far enough from perfection
on this subject

want of Integrity & capacity in the judges
& justice & partly to the incapacity of the legislator & the
people in general who are incapable to comprehend what
is the use of a good government Hence disputes at Law are

continues
for wearing out the patience or exhausting the property of
litigant parties a certain judge in France ^{the} whose reputation
from was

once asked by a young magistrate how he proceeded on his
business to obtain the most general satisfaction the Judge
replied

deep attention & when he was gone home to his clo-
set he threw a pair of dice first for the
ceded in favor of the party who had the best of
e that always de-

applied to another, I am sure judge forth. I am sure
my method says the latter is true. I must mind what the Court
here say on either side but I take them all the papers with
me and sit. were to peruse them with attention.

each party
against those of the other & I uniformly give sentence a-
gainst that party that produces the greatest weight of papers
but such methods as those of deciding controversies may be
said to be more impartial than judicere. The artificial
swayed manner in which cause may be made before judge
various the most exact attention in this part is required
with firm sagacity to discover justice under all the disguise
for that may be thrown upon it by exhibitant.

side Fellow subjects have
already stipulated to refer their differences to the judgment
of courts & to employ

of the magistrate. To suppose cause to the
decision of the courts argues a confidence which the party has
of being a just one or at least an expectation that he is
able to persuade the Court that it is so & that it may argue
a religious temper to be frequently at law

may sometimes find himself
in a situation in which he is obliged to act in this manner

In times of Antiquity & simplicity of manners the method of
arbitration was generally chosen & they used

even they to find & support. ^{must with such strangers} Then Virgil represents the Achaean
& Samarian as agreeing to refer their differences in this manner
to Palamon. "Arbitrat

Palamon.

following students are obliged to
submit their differences to the court of the State admiral of the two
following exceptions first where the judgment of law cannot
be had nor the power of the magistrate interposed to prevent the
injury. 2^{dly} When the relief by law just cannot be adequate to
the injury apprehend

cannot be questioned for a moment by any
one who is in the least acquainted with the affairs of our Pro.
did the law

such a kind that our natural and right rest merely
on natural circumstances as the

justified by ordines & by
for the greatest number of injuries & even this of the most true
man nature would have accomplished if men had nothing
to dread except the disorder of laws but the fear of the imme-
diate execution of natural justice & of the effects of private retri-
bution is a much stronger restraint of the criminal than

for the sake of the
law. It is a common delusion to imagine that the terror of the

leave alone

reluctantly necessary for that purpose & no society can exist
without it but the thoughts of these are commonly weak
unstable & are confined by vulgar minds at a great
distance so that they are almost as much disregarded

criminals
who may be capable of reflection. It is to be hoped that even
the terrors of the law may become more operative when they
are daily exposed to the eyes of the multitude.

a meeting with
just immediate punishment from private revenge as they
can neither forgive nor spare. The mighty oppressor E. G.
is not so much afraid of being taken or imprisoned as of being
visited & the persons who break a house.

of that execution as left the
they should be put to immediate execution

injury who
have the most natural
have as good a right as any other to the protection of the
law

magistrates. The natural disposition of men therefore
are always their chief witnesses in civil society & they grow
spiritually independent men in places than the distant &
uncertain terrors of the law of which there are so many
chances of escape of the 12. Cases where there are
would

done or apprehended. The far greatest part of the truths are
in proportion to the injury
incapable of legal proof to the greatest
escape the person of
now in all these cases this Law can either afford no protection

the innocent & in a null of instance, the most
guilty may elude its power but the private immediate
& natural defence of man the effect of their feelings are
what criminals have much more to dread than a trial
sentence & execution. It is true that it is, be contrary
to strict Law for men

our injury but it is not to be expec-
ted that men will resist the Law at a time when they
can be of use to them in the defence of their right

recent provocation
It is happy likewise that criminals have always the
most dread of the natural defence of men for if they had
nothing but the Law to dread we have seen that in many

good morals an
a much greater defence to a State than with the very best
Law suppressing them. Church to be faithfully executed
Ignorant

The Law because they foolishly imagine if
they are able by themselves to enforce the peace of society

men attentively into things will easily be convinced that
even good laws have no necessary effect cannot
them

from injuries but that courage & union & the natural
defiance of men together with good morals contribute in
greatly more to that purpose than even the best legal
system & the most upright administration it is to be feared
that the moderate & blind admirers

regard which they
pay to liberty may expose them

to some dreadful internal
commotion of religion

have been hitherto mutual esteem
& confidence & a regard to the rights of others are the great
bind of human society & without these we see that our
Malitia laws prove only a brand of

Country Public spirit is the re-
sult of influence of a good heart & singular morals
but men are doing nothing

it is natural to suppose that in a
short time they will be persuaded that this cannot
be done except at the expense of others so that the love
of liberty by a most natural transition degenerates
into tyranny & robbing on the study of the civil laws.

rights of others.

of self preservation & infidelity of the

has a mighty tendency to make us forget that any thing is due to others as well as to make us lose mutual respect & to sit uncaring under the influence of law & equity. Judges are bound to decide according to law & justice. It is a considerable shock indeed in the Judges of England & this Country

to receive the Verdict of a Jury of 12 men is necessary to support these sentences. But this is only a defence of the ambiguous hand & the good or harm to be expected from it depends entirely on the morals of the people for when men are generally so degenerate as to have no shame of

Beluark to our liber-

ties & property may be the engine to destroy & annihilate both all the reliance that the constitution has upon the intervention of Jurymen is entirely founded on the presumption of their being good men. But at legal barons. But if they should cease to be so & come to glory in doing what they pleased that is of the Law so become to every Jurymen to justify even though all the judges

be men on account of the want of Capacity in Jurymen even when their integrity is supposed to be irreproachable. Put into a complex argument & rights judges & men

who have made the Law their Study are notwithstanding
very day by men who can stand to sup-
posed to be capable of understanding $\frac{1}{2}$ the part - 1.

Evidence whereby
guilt innocence and distinguished then after our speech
continued as an apt to puzzle the most acute men
trow the decipher of Cases of this kind

die or weighing
the papers in the scales which we mentioned a little
before -

Lecture 1

arbitration or umpire
has been of great use for the decision of controversies in some countries
may be in all but when

this method will not be much
in favour unless almost the whole property of the people
may litigation must be frequent & consequently after ruinous not only
by expense but the enmity & alienation of affections

there of society This is less suspending
that 2 of the most despotic monarchs of the
modern age mean the late King of Prussia

It is true that their absolute power enabled them to do the with
more ease

duration of suits into

has procured many advantages to the inhabitants of this country to which free nations are not strangers. The price of land in England is immensely high & even in the country where liberty has been

beyond description. By adopting the Law of Eng^{land} in cumulate & adding liberty to them they are legislators the rights & property of men must become daily more & more perfect & much ended & exalted from the wisdom & equity of the succeeding generation & much

of the subjects & acting wisdom of the State & of its subjects are entitled to respect & even by restraint & punishment or without they are denied by the Law of nature & convention. It is melancholy to reflect that after all that has been said & done for liberty & a free constitution the whole seems to be expected from it are entirely suspended on the virtue & understanding of the people & administered by a free constitution. It is a theory & a fiction capable of producing great happiness to society. But what that constitution & government is managed by ignorant & envious or indolent men who either want ability or are restrained from acting by cowardice a free constitution in that case yields no advantage at all to society & is contrived as little to its protection as a Deity golden Image which all men were compelled to worship.

have only as much life & energy as the magistrates feel & so there is a utility impossible that they should have

any more unless

filling further reason & praying that they
may be confirmed the law of nature where there is no convention
to the contrary limits the power of the magistrate to what is ne-
cessary to defend the innocent & all subjects & servants employed
beyond these limits an unlawful magistracy being instituted for
the safety & welfare of society & the peace of the
of man Every act of a mag that is not necessary for
these ends must be of the nature of an injury & a trans-
gression of his commission In abstracting & the authority
of the will may be easily converted to serve the pur-
pose of interest or wrong because a powerful dictator
at least will enable any man to set almost all the laws at de-
fiance the ad of a free people is that it allows
no discretionary power to the magistrate except that of acting
of acting or not acting but he is of the choice to act
an entirely free & deliver by the laws the laws of conven-
tion are various in different states In some it is permit-
ted to act in person without power to
at the disposal of the magistrate but where either
the laws liberty or property of men are left at the discre-
tion of the magistrate that constitution cannot be a
one
obtained confers a man for life from daylight liberty & peace
society & correspondence as they are deprived of the use of pen
writing & paper & the men therefore grant themselves against any
persecution & execute them without any trial or exami-

nation so that they perf can have the
offer of complaining for a small property in a free
country is infinitely more to be valued than the most splendid
for when it may be set on a more high a false re
or by
relation of a minister of state when mankind
have once given up their liberties though their natural rights
still remain they generally lose all courage & are easily hum-
bled & placed as low as their defect has a mind to master
gates truth by custom war and art is used when the
will of the Prince is the law & the magistrates have desertion
all powers maintained for him to dispose & overbegan to ar-
gue in favor of that slavery which strips their nation while it
degrades them of every comfort & security such powers as those the
originally usurpations become sacred by custom & lapse of time
& are well defended by those wretches that are exposed to their view
moment but while the prince can entertain their imaginations
with the glory

laws may be accepted as brought to justice but when they at author-
ity sanctifies absurdity & defend equally all the crimes that man-
kind have for happiness is to be in equality of security & insigni-
ficance as there is no safety except in truth & in the good na-
ture of their tyrants The History of arbitrary governments
is enough to make any one on love with liberty we wish that
we could say the same thing of the history of free nations

"Eduo tibi uro

"Hunc fructu factu uictu uile

The right of subjects are in danger when the magistrates

the proceedings are irregular & ar-

The respect of law has often been at

to be hurtful to the morals of men by inf this vanity &

they please as

well as to despise other men as an inferior power now the gre-
uent the free states have always endeavored to abide & de-
termine the term of the continuance of magistrates in office
that they might not think too highly of their knowledge nor
be so ready to abuse their authority.

For the duration of power in the
same person most societies have gone into extremes
on this matter. The Romans made their consuls annual
condemned to guard against tyranny by having always
two persons at once with the supreme executive authority who
divided their power in they did & they thought that

in power by
limiting it to the space of a year after which they fell into the rank
of private citizens & were obliged to give an account of their adminis-
tration of their integrity were called in question but in order to
fill these annual

contained & commonly the richest wisest & most
accomplished men in the republic who education & views led them
to engage themselves for these high offices by the lower ones of
Edile & auctor that commonly led to them or by being procurator

the army & as the republic was almost ruined & as they
had always an opportunity of signalizing their zeal & cou-
rage in the cause of their country where they returned home
they found also at the bar for which chiefly they had been
trained

and other reward than their voting for
when they stood candidates for any of the dignities of the re-
public but when they defended any celebrated citizen such as
as a consul or a proconsul accused of maladministration & may
indeed be supposed that they received considerable rewards as
Caesar tells us that in the latter & more corrupt times of the republic

he collected the first year for himself the next for his lawyers
& the 3^d for his judges but when such a multitude of men

to find that that office was often properly filled. It was known
indeed before the Plebeians were made capable of the consul-
ship even for a considerable time after that privilege was

their power still elected only Patricians into that office &
when Plebeians were admitted it was the custom of these man-
rulers & the sons of their victims that grounded their votes
sometimes they would gravitate against the large pecuniary gifts of
an opulent Caesar was first who grounded the term
of command to be prolonged beyond the terms prescribed
by the laws & from that time the honor & influence of the

down to the fall of the Empire He is to be censured that it
was by flattery the people taking the Tribune & giving them
selves

Caesar over turned the liberties of his Country His followers
were the whigs of those times who carried liberty to an ex
cess & placed all power in the people Pompey Brutus & Cato

or of the Senate

& confining the duration of their power would be a worse & good
one least the misfortune is that men however much they are in
clined to boast of themselves are very unequally qualified for
offices of any kind & the most of those who try their noise
are most agreeable to the people & generally unfit for any office
whatever though all are in their power. These therefore that

in order to avoid an abuse of power
by a too long continuance in office run an evident risk of
appointing in office who are fit for nothing & know
nothing of the duties belonging to it the constitution of
this state
the sense of a rep
resentative though the people are willing to choose him

By this means we are always sure to have changes now but which
depend entirely upon
accident a notion indeed

proper in order to have always a sufficient
stock of good & well qualified statesmen on hand as if they were
intended for exportation or as if a whole army of them were
needed to be employed at once. It is doubtless no doubt that a
number of men should always

be to discharge the great
offices of the state with propriety but the method which the constitution
has proposed for their education is rather extraordinary & the great
defect is excluding those who are to learn their profession at the
ex

at the expense of those whom it might
concern by making experiments & by using property for their
own improvement in their business that at the end of their
3 years apprenticeship they may be qualified

statesmen but what becomes of the state in the mean time
which has been flexed & would
the efforts of these ignorant imperies for 3 years
exhausted by

foundry of strength
only one way is proposed & that is by being again deliver
ed up for an equal space of time to a number of apprentices
as ignorant as the former & equally engaged to improve

thus shall at the expense of the guths & on while the state
last, none of men were to act in a ridiculous manner wth
regard to any of the common concerns of life they were

conducts
affairs & remove its government to. enforce the rights of
men & to strengthen to continue whole some
laws for the public good was much a professor in the
Science of Law & of agriculture or mechanics or manufactures of
any kind & to suppose that every man is equally qua-
lified for it - supposing what is not the fact

men among those
who have studied for a great part of their lives to qualify
themselves for these professions what could be expected from
a man only by practising & making experiments accord-
ing to their fancy nothing surely could follow from a method
of this kind except an equality of ignorance vanity &
incompetency & an equality of misery in all those who had
any thing to do with them

their country
by good education virtuous living the love & practice of
justice & diligent private study of the laws & history of
arbitrary & tyrannical & not merely by becoming Bank-
rupts
promising impossibilities a new country has certainly
great need of being well provided with good physicians
Lawyers mechanics

of a law ordering that no one should employ any
lawyer, physician, mechanic or husband man for more
than 3 years at the longest

These for their lawyer physicians,
& mechanics who had no previous knowledge of these
arts to form an apprenticeship by gratifying for 3 years
in order to their own improvement

Lawyer's physician
and mechanics & husbandmen exactly equally to
each other in the knowledge of their respective professions

but the fundamental error in
this business is that of turning our whole attention to forms
interests & circumstances & having no regard whatever to
the characters of men

equal the life of the characters of all
men be supposed to be equal either in knowledge ignorance
virtue & vice then all the institutions & theories that are
founded on this notion must necessarily be erroneous
& therefore men naturally differ very much from
each other both

to this difference must be false & un-
faisable to human nature now speculations upon
government men are very apt to run into one or
other of these extremes they either suppose that virtue

may be chided to support or leave his country,
without any other qualification than that of being el-
ected or else to set up a monarch vested with infallible
authority & his commission is supposed to qualify the
person that claims it for every office in government & to
give him liberty to do what he pleases supposing that
reason now when the business of government is di-
vided among just a mystery that they people must
not enquire how

obvious that every man knows
as much of it as another it is equally mistaken in
both cases. It is a leap to suppose on government that
many of them seem to have been very little acquainted
with human nature & allowed no v

forming schemes & constitution of government
but supposed that there were no principles in
human nature except avarice & ambition & then
for this whole thought to an employed

or an dividing
power into such portions that every one may have
a share for a little of it some time or other but
they leave no room in this scheme for victories

attachment delight & pleasure
cess to elect men representative merely because they are
averse to raise any of the public revenue or because they
promise to oppose even the levying of what is imposed
already in a light degree of insanity & shew

Tanco Panca Physician

did to that governor &

integrity The man who ought to be
chosen to represent or govern his country is one who is both
able to discern what is good for him & to pursue it with-
out being turned aside by personal & party interest—
a trader or Certificatee will consent only to such laws
by which he & his funds might come into the possession
of as many of them as may be & may have 40 percent
for their money at the expense of the state but a citizen
who truly represents to the public

state to do justice to its
real benefactors & to reject & disappoint the claims
of speculators & imaginary creditors

Lecture 161

often a legislator or a magistrary act from
personal interest their conduct must be irregular & inconsistent as
well as often corrupt & they might raise & destroy the character of

justly. As to their private profit

W

Station with respect to their rights

a defence which is much the same with that of private persons & lesser corporations. Nations have their right as well as men but being in a State of nature with respect to each other that is having no common judge or judge on Earth their rights must be defended by force when attacked & in the same manner as those of a private man

a defence. Some must choose to be thus law as in the nature of things the State that is possessed of superior force will maintain whatever it claims as its right. We have good reason the others may have on their side yet they are under the necessity of submitting to the will of the strongest. Hence a principle of a defensive war is an extremely necessary one for the governors of nations because if they are not a law to themselves there is no power on Earth to restrain or Magnanimity & courage are the attendants of justice & arise from the same principle namely a just grasp of the true excellence of human nature. It is highly honorable to those in eminent stations that though invested with a power that might enable them to

they choose to employ it in support of justice & the rights of mankind & disdain though they have every thing in their power to arrogate any thing to themselves except what justly belongs to them orators.

only because they have
it not in their power to do injustice but when sovereign
States or Princes do justice it must from a sense of the au-
thority & obligation & an admiration of its utility because
this power has nothing

unless we should
philosophers that they only
aspire to the appearance of justice in order to obtain the ap-
plause & confidence of men as dignity & elevation of mind
is necessary in those invested with power it is evident
that Usurers Bankrupts Sharpers & men of mean souls
are utterly incapable of supporting

or acting with any tolerable degree of justice decency
or propriety Such men being entirely under the power of present
interest are neither capable of thinking properly for themselves nor
for the state hence they must be hard masters rapacious
rulers & exuding

bad debts & heavy masters because when an opportunity of a
good bargain occurs they

"Vendidit hic auro patrum" On trans-
actions between nations the act of the sovereign or of those employ-
ed by the sovereign is considered as the act of the nation
The intention of every society or association is to
make one of many or that many may be governed

by one will which is understood to be the will of the
majority or of those at least to whose authority the faculty
has granted to submit. Indeed the act of any private per-
son is not the act of the state except so far as in his
action he is protected & acknowledged by the state. This protec-
tion may be either negative or positive. The injury for
instance done by a particular man may be either open-
ly avowed by the governors of the state whereby it becomes
their act or they may artfully disguise their

or by formal un-
breaches & pretences they may cover the offender when
they have no mind to seize him now in case of their
kind. For the ancient Greeks regulated a
method which they called *andropolia* or *regal*

& intemperate to that state that they would ge-
nerally the man that they had taken as the author
of the injury that they had received unless the state
to whom he belonged would produce a deliverer up to
them the real author of the injury this method by
intimidating every person in the offending state to
discover the real offender was of great use to pre-
vent further contention between parties & for peace

an injury members
as to the intention of society to make one of many thus
produce a community of interest among the whole mem-
bers of the society as well as between the state & each in-
dividual an attack made on any of the members
intends the whole state in the same manner as an in-
jury made in any part of a man's body awakes all
his feeling & intends to the whole man a nation
that is injured may make reprisals on the persons or effects
of any of the subjects of the offending nation & society if
injured by one or more individuals of another nation
cannot select those from among the rest though if they
have particular knowledge of them they may probably
demand them of the society to whom they belong & then
refusal to deliver them they may proceed against the
whole society as socii criminis having taken the
guilt of the offenders on themselves by refusing to deliver
them up. It may indeed sometimes happen that it may
not be in the power of the offending state to discover or
deliver up the real offenders but they are bound

because if this were not the case any one state by pro-
secuting a few injurious persons might disturb a peaceable
neighbour as much as they pleased with impunity by
constantly pretending that they could not discover the
real authors of the injury. The Law of nations therefore
requires that reparation should be made by the pub-
lic when the private

any of the subjects of the other nation that come on this
way in order to oblige their prince or society to do
justice either by investigating & delivering up the guilty
persons or if they cannot be found by making repara-
tion in their stead & Nations who maintain contradictory
rights by arms or by force are said to be in
a state of war.

on occasion of the injury complained of the offending
nation is never to deny the fact if they do not actually
make the just complaint as has often been the case

in maintaining their own innocence however the fact may
stand or that the avow the fact complained of to
be well & justly done the Normans had

1
Socialists whose business it was to make regular & for
actual amends to the offending nation of the damage
that the Monro people had suffered from their subjects
Cochran was against them in case of their refusal
to make reparation the war went on. done with
great solemnity the Adept used to carry with him
reminers

saids & mendacity when he had not obtained
justice as he demanded he threw a spear by way of defiance
within the territories of the enemies after which they were
considered as in a state of war as was offensive from
fraud than from real difference & interference of Interest

Seldom successful & the Adept

any reparation but to maintain the injury
by war then we find that Oream

maintained the injury done by Paris in carrying off
Helen without ever pretending either to deny or excuse it
Mordred's gutters indeed that there had been several rapes
committed by Europeans in Asia which were commonly
revenged by the like injuries on the part of the Asiatics
but Homer mentions nothing of this kind when war

is one begun the cause is entirely forgotten

War is not only upon the supposition of injuries apprehended
offered or perpetrated. The wisdom & magnanimity of
governors is never put to a greater
injury than to them as the

beginning of war is only the opening of a new relation
an infinite number of evils & the evil after all must
be very uncertain the government of a state ought to be well
advised before they inter into it. Influx or accidental
injuries apprehensions of imaginary evils & least of all
the desire of conquest ought to influence them on this
occasion

been begun for very slight matters & some
times for nothing at all that we can discover for that
from whence

It is to be feared if all nations would take the same care to com-
pensation of the injuries that they receive as the Romans did at first
many wars might have been prevented & operations easily
attended national prejudice and sometimes the only cause of
wars at all times have a tendency to exasperate the
parties against each other

times as they are unworthy of
rational men have a natural tendency to destroy themselves

war may be so near as not to allow time for negotiation but when that is not the case negotiation and ~~remembrance~~ remembrance ought certainly to precede hostilities. Hostilities happen that neither the one party nor the other has

been diligent or even able to oppose the method proposed in the gospel namely to consider their strength & to erect the cost before they go to war then we should have been few or no wars in the world a nation has provided
in order to

then the wants of mankind

a third opinion the numbers of mankind can never be a nuisance in any country if they are properly employed & well governed & rise only slowly from the character of men

a fourth opinion the world has been always too large for its inhabitants instead of being too small Mr. Hollarie remarks that the world could afford to every individual 40 acres of land & 40 cows in money but whatever be in this it is undeniably that the world has always been abundantly large for all its inhabitants

The immediate object

What is war puts on

not totally disgraceful when a nation
great cruelty & torture & inhumane treatment of pri-
soners as well as making themselves though long &
generally practiced

was a properly between inde-
pendent nations but has actually taken place between
fellow citizens & civil wars are genera

lous than those that take place between dif-
ferent nations the passions of parties being more irritated
in consideration of their former union

& must always be
highly antipathetic on one side the violence of party spirit
& a false notion of the rights of men have commonly
been the cause of civil wars War though often resorted
to as an expedient

to amend a bad constitution or form of govern-
ment & has a tendency to render the circumstances of
men always worse or instead of better if men are unsatis-
fied with the constitution or form of government they
do what they like they may rise against it
expel out its defects & they may even use them in
haste & more than friends to procure an alteration

1
them to do & if they cannot prevail by these
means nor submit to any establishment from they
ought to remove to another state but there is a
- rather extreme with regard to government which
grows often an occasion of mutating party spirit
& that is when men imagine that by being un-
der any form of government we are forced not
only to submit to it but to do
now this is quite unfortunate because
no man can be bound by any constitution he approves

kind a slavery of the soul & a slavery
to very mean men & what is worst under the guise
of liberty Civil wars are often as unavoidable &
their cause is hard to discover as those between differ-
ent nations the jealousy of their liberty united states
having arms intrusted to them have great need
to be well informed of the duties of good citizens

Demagogues might endeavor to per-
suade them to take arms in order to alter or
amend the constitution or form of government
under which they lived or to obtain relief from

parties or for governments but of
the leaders of each side were persons of undoubted
merit & in fact we had only room to
the great even party spirit might sometimes do little
harm the disputes that exist between different parties may
be very innocent & harmless if they are not too violent
The talents of men are united & called forth to action by
public disputes which while argument alone is made use
of since no bad purpose but when men lose sight of

a good manner to each other they are in danger of exci-
ting the mal to violence newspaper controversy
for that they may be sometimes favorable.

ill-temper people have a
decided tendency to excite wars perhaps the max-
im of Economistas That a man ought
never to wage — war on any account against his
own country

Lect. 162 April the 9th 1779-

The law of war is in general the same with the
rules of private defence the object of both being common just fresh
hostilities only are lawful as are necessary to obtain the victory
destroying the monuments of art & turning a country into a

desert an honourable & dishonourable mod. of making war.
Indiscriminate slaughter & massacre are still more
disgraceful when Louis the 14th ordered the Pallatinates
to be burned it excited the indignation of all the powers
of Europe the best & most honourable policy or making
war is preserving the property of private persons & attacking
only that which belongs to the public the nation war
is not the legal process when reparation of damages alone
is sought for but few or any foreign powers have hitherto
to improve themselves & these methods of making war is
cruel & humanity prohibits the most part of them or
the contrary endeavours to destroy all that they can

without the least benefit
to themselves Siege is ordinarily very fatal to the natural
rights of mankind as the mind of the Besiegers are commonly
incited by necessity so that the gentlest violence & cruelties
are generally committed at the sack of
"quid facient hostes captas crudeliter"

In the beginning of wars more moderation may be expected
than after they have continued for some time as the minds
of parties become incited by continuance & many private
reimbursements are added to the supposed injury of the public
if foreign powers were generally disposed to peace the
innocent traders might be exempted from the violence
of hostile navies as well as fishing vessels which are
now generally seized the law of the Spaniards prohibited

even the unnecessary destruction of towns in an enemies
country & the destruction of private lives even in the case of
a siege the 2^d Law of arms that when it is safe to
grant an enemy quarters it is unlawful & dishonorable to
refuse it as history in the progress of that of war it ought
to be considered as quite essential to refuse the permission
of an enemy which he begs himself or to grant him passage
to the preservation of the lives of men. The ancient Romans
imagined that this was quite arbitrary & that men
might either kill or spare their enemies as they chose
hence Honor represents his Horus as bawling out in cold
blood those who had submitted to them in the field & only
moved to pity now & there by the promise of great ran-
soms the sparing of the ^{honor} whole & will consequence of
war makes always the most amiable part in the charac-
ters of those who are engaged in it & ought therefore to be con-
sidered by them as their duty if one party refuse quar-
ters the other must do the like till the offending party
renounce that barbarous custom the Romans refused to
redeem those prisoners that submitted in the field with a
view to engage them to fight stoutly having no
hopes left except in waiting till war was over & so
far that they imagined that a man could never af-
terwards fight with courage who had once submitted

to be a prisoner

"Mor

"*Deficiente condolembus*

"

"*Pernium uenens* or even

"*Si non per*

"*Captiva quibus.*

But preceding ages have shown the futility of this
notion & even the Moors themselves were at last obli-
ged to give it up, as on civil society it is not always
expedient to carry punishment to the utmost rigor even
of natural law for in war the more restraints that are
put upon its fury is the better for mankind in general
Magnanimity & wisdom in the chief commander of armies
& bravery & humanity which always go together in the other
officers & soldiers are the best security for honorable beha-
viour. To refuse quarter when it is demanded is almost
never necessary as it has often been found that an ar-
my has taken prisoners another as many more numerous
than their own. The difference between armed & unarmed
men renders this gratia together with the sense of
honor & the obligation of Paroles. In the case of small
battles called to actions while outnumbered with great
numbers of prisoners. The cruel expedient of killing
these prisoners to prevent the increase of the numbers of

their enemies has sometimes been granted. The 3^d Law
of war is that, breach of faith is exploded in the prac-
tice of nations at war & would be ruinous to man-
kind although the ordinary benefits of mutual so-
ciety are rendered by the parties who are at war
yet there is a certain interest with respect to prop-
erty which must necessarily be kept up & this ought
to be maintained by the same laws as civil society
now for this purpose truth & faithfulness in mutual
contracts & covenants is necessary as in the other. Those
who surrender at discretion have no resource except
in the honor & humanity of the conqueror but those
who surrender or capitulate have a right to be
treated according to the terms of that capitulation
by which every man of honor will consider himself
to be most strongly bound a competition of credulity
would be ruinous to mankind because it would
soon change all wars into exterminating wars
therefore on the mutual commerce of

a Cartail for the
exchange of prisoners & that at war ought to require
themselves as much obliged to honestly & veraciously & good faith
or yellow citizens in their civil transactions & this more
so that there are no courts competent to decide be-

the excellence of honor & magnanimity which become
men men without confidence & with their own con-
sent & yet more strongly than the greatest outward
restraint "Honor is a sacred law the law of things
" The noble Minds distinguishing popular

The character of men but when not accompanied with these
it degrades them to the rank of men engines of destruction & a
Soldier who is capable of violating his word is a most hateful
as well as dangerous character because being in possession
of force no laws can bind him Hence a just sense of honor
has always been considered as essential to this profession because
a man has merit of true honor who is under no other restraint
on this account likewise Soldiers are sworn on entering & upon
the service & desertion is severely punished because implying
treachery before & cowardice when the whole of the citizens
indifferentially are armed it does not appear to be easy
to maintain a sense of honor among them but that dis-
cipline seems to be the only means of preserving at least
an appearance of it the 4th Cause of war is that any
party may assault the injured but whoever assaults the in-
jurious may be treated as an enemy and war is the
natural defense of states when attacked or threatened it

may be used by any state for the defence of another
when it considers as unjust or ill as for its own
honour alliances among diff^t states to defend their respec-
tative rights & these alliances may be made even for
perpetuity as in the case of the Swiss Cantons, the Repu-
blic of Holland & perhaps the United States of America
if once they were united. It is lawful & honorable to de-
fend others as well as ourselves when unjustly attacked
& when it is in our power & it is criminal to neglect it
The honor of Knighthood consisted in being always
ready to maintain justice & punish crimes to rescue
the weak when oppressed & to turn the powerful
who had abused their power to the purposes of jus-
tice & finally there could not be greater notions of honor
Sovereign Princes are then most honorable when they
adopt the maxims of Knighthood Thus England
Spain & France
adopted the cause of these States against England.

If mankind the Romans indeed extend out of policy
into all the quarters of their allies that they never rested
till both their allies & their enemies were entirely sub-
dued by the power of Rome so that they boasted that they
had conquered the world they suppressing their allies which

is constantly the worst the mischievous policy of the Romans
by alleging them self always to be weaker than they were
they had cause was the more abominable for representing
the practice of a just & generous people Charles Cromwell
indeed proposed

a union of conquest by promoting
a general alliance of all the Protestant Powers and
his great designs were cut short by his death. Ingenious
nations will have their allies as well as those whom
they are powerful will meet with allies sooner than others
the base policy of the Swiss Cantons looking out their
youth indiscriminately to any power or any cause
is highly absurd & unjust hence M. Roussau properly
calls Switzerland the Guinea or Slave Coast of Europe
from this abominable practice by which they often assist both
opposite parties at the same time & massacres of Jews
are often drawn up opposite to each other Some lawyers
with as little neutrality as the Swiss & probably for the same
reason will pass from one side to another of the same
cause during its dependence without considering where
the right lies But the allies of an enemy must neces-
sarily be enemies ——— The 5th Law of war is

never to be seized if this can be done without detriment

It seems undenially just by the law of nature to seize the goods
of an enemy when but the difficulty lies in ascertaining
the property of them which has been variously explained
at different times by compact between diff. nations Some
times it has been held that if the vessels belong to

to seize them or even to search for them a neutral people
was considered as ^{had any right} neutral goods but as
great advantages thereby accrued to private states & car-
riers could carry on their respective trade on neutral bottoms
Parties at war in Europe have for some time past claimed
the privilege of searching & even seizing neutral Ships in
time of war on pretence that the goods which they had on
board belonged to their enemies by the manner the dutch
Trade in the wars between France & England

at once
a dutch fleet lunged on one side & the other by the other
Something seems to be wanting
in matter in order to make an established rule on this
Subject

doubtless a Invasion on one side & the plunder of
neutral powers on the other the cause of wars that
the effect of a friend going to an enemy if they are such
as would enable him better to carry on the war may be

perceived that the effects of a Friendly Nation cannot be
duly paid for to prevent
them from increasing the resources of the Enemy but the
inflexibility of the Law is that it comprehends almost every
article that is necessary for human life which may in
that manner be considered as tending to strengthen the
Enemy not only with the implements of ammunition
but provisions & cloathing as well as medicine become
necessary in the manner which considerably augments
the calamities of war to the proprietors of neutral
vessels as they always secure a most life line for
goods that are seized than they would have done
if they had visited their distressed Port If some state
ment to the rigor of the Law were agreed to by con-
tract between different nations the horrors of war
would be somewhat lessened & the condition of neu-
tral Powers much bettered but then seems to be a
want of equity in the Law as well as in the last
The 7th Law of War is that Captives may be detain-
ed

Prison & security
should be the engine of the states to which they
belong & a certain ransom ought to be paid at the

end of the
the opposite side. Nothing that is not necessary for the
serving of Prisoners ought to be inflicted on them because
the whole right of the Captor extends barely to the ob-
taining of them till

Secunder exempted to Prisoners of War occasion
mistaken on this our countrymen so that a Misad-
venture in exactly instead of a victory

It is cleaving however to observe
that in the last war in Europe the treatment of pri-
soners on both sides

at 1756

degraded those of this Country of examining the other mistaking
because they imagined that any treatment how cruel & severe
was good enough for a rebel In England the Spirit of
the Whigs

called for the protection of
in behalf of the
unfortunate natives of this Country who were prisoners
there

Africa or in the East Indies but before
the which we have mentioned that an certain this Cause
of war which take place after victory, & which come

who were formerly at war. The first of these is that the
conqueror may avail himself of his power to enforce
his own rights & to obtain reparation for the wrong that
has been done him what the conqueror calls his right
in the beginning of the contest he will maintain as
just by the laws of war when it is over those
who make war with a view of conquest take care to
secure the gratification to themselves by asserting their
right to the subject in dispute at the beginning these
Lewis the 14th claimed all Handers as his mother's
inheritance

to the laws of But however ridiculous the
claim was it was owned & submitted to when he had
set the country which he claimed into his possession
Preparation of campaign he had often demanded than
obtained by belligerent Parties. The losses & sometimes
both parties being so exhausted at the end of the war
that it would be ridiculous to expect any thing
from them. Indeed in the East was between the Turks
& Persians the Emperor of the war

which are now the only trophies owned by po-
lite nations when a claim is gained by a war the losing
party is obliged by the articles of peace to allow it to remain
with the conqueror yet the crown of Spain in yielding
Gibraltar & Jamaica to the power of great Britain

an article in a treaty remain-
ing any injurious practice such as invading the territo-
ries of others or searching or seizing their ships or some-
times constitutes all the reparation that is claimed
by a war the Law is that justice was does not
constitute a right but damages & suffering incurred
in war give a title of indemnification when a law
taken or was constant

The claims of a conquering enemy whatever they are
ought to leave to the vanquished the Antients indeed ima-
gined that the vanquished lost all their rights by sub-
mission which they considered as immediately assigned to
the conqueror this manner of grounding when they

they themselves
-silence were obliged however to capitulate the Gauls
they had as to ransom first which was just a paying
when camillus came up to the relief of his country

in the same manner as in civil questions a man is justly
obliged to pay costs that were incurred by means of his
own injustice & inefficiency —

Lecture 163 April the 9th 1709 —

The 13^d Law of War after victory is that the conqueror
may take such precautions by disabling his enemy as he may think
necessary to give himself a proper degree of security for the
future the advantage gained by the conqueror enables him
to dictate the terms of Peace for his own convenience accord-
ing to the notion that he has of what is necessary for his own
security now it is probable that a nation must be very much
humbled before they attack such a state as may satisfy the
conqueror that he has nothing to apprehend from their power
or resentment the exterminating principles of the ancients
were founded upon the idea that they had of the resent-
ment of the conquest & their conduct on this head neither fit
their courage nor their humanity in a very favorable light
Even in the execution of public justice it has always been the
policy of the East to involve in the ruin of the guilty
person all his family children & relations that there

sought to leave left to suffer his sufferings. The same
principle of jealousy & dread has generally induced these
moments to murder their Brothers & near relations or their
accession to the Throne that they might have seen a person
of it. The destroying the vanquished nation of the use of
arms the retaining fortified places & convenient passes
into their country the dividing them of a part of their
territory & the removing of them from one country to
another are expedients which the jealousy of conquerors
has often dictated to them in sundry ages for the same
purpose in more modern times hostages have been
demanded Harbours & forts have been retained by
the conqueror & restrictions on Trade & navigation have
been imposed which the weakness of the vanquished obli-
ged them to submit to & the jealousy & superiority of
the conquerors did him to insist on Treaties being common
by the effect of force can be expected to continue no longer
than the necessity of submitting to them. The 4th
last Cause of war after victory is that a Nation does not
regard a property in the persons of their captives as
they do in effect. Casually seized either the more liberal
Spirit of modern times or more probably a sense of the

instability of fortune & uncertainty of circumstances haunted
them to abandon the custom of the ancients which was to
make all their captive places with all their property
now the Moderns considering that the consent to such a
custom wd oppose the establishing a law against
yrself have wisely speculated that those who have
the misfortune to be taken in war may be exchanged
or redeemed & that the conqueror can only confine them during
the war without claiming any property in yr It is curious
to observe that it required the experience of many ages
& the enduring of great & irreparable misfortunes to
man kind sensible of the violation of natural justice
in one plain or in a case that so nearly con-
cerned themselves on the other hand its not less curious
that what was looked upon to be the most Voluntary
misfortune & one of the worst effects of the rage of a con-
queror namely the removing great numbers of people
from their possessions to very distant places has now
lost all its terrors & great numbers of mankind now
insist upon themselves for their duration & even with views
of Emoluments that punishment which among the anti-
ents was considered next to slavery as the lowest degree

of humiliation that the rage of a conqueror could inflict upon a conquered people. By the maxims of Compulsory Law a person may on every occasion maintain his right even to extremity but from considerations of duty we may on many occasions be obliged to forgo it. The cases of private persons & of nations may be similar in many circumstances & both may often be restrained from going to the utmost extent of their right from considerations of humanity & duty. The conduct of nations is always the more candid the more that it is influenced by rational & social feeling. "Summum jus est summa injuria" The rigor of justice is sometimes too much even for the feelings of truth, when it is resisted by it & he often consents to surrender his right by being touched with a sense of the miseries of human affairs. "Lacrymae rerum"

Mellizoreans is intended to intreat for Mercy "dabo obsequium Mellizoreans" or rather

Carthage we often forget their crimes & their misfortunes & a sense of justice gives place to generous compassion a person is more concerned to maintain & to exult in the affections of a benevolent mind than he is to preserve his rights & condition.

in any other respect. The importance of a man to him-
self is seldom justly or sufficiently attended to but the sense
of what we are has us an acting enters more into
our propriety & modesty than our external circumstan-
ces & situation with regard to others. The man who has
waded thro' seas of blood & guilt to obtain the ingre-
dients of luxury or the trappings of greatness & those
riches which the world honors never reflects till it is too
late that he has only been purchasing unexpressed
torments to himself & rendering the sense of his existence
a burden to him by the recollection of his deplorable & crimi-
nal conduct which all the apparatus & devices of luxury
cannot prevent him from thinking of.

"Dependens est in cunctis super"

"Non sinit dapes dulcem elaborabant saporum"

"et in avaritia"

The consciousness which a just & benevolent man
has of his own existence is connected with the clearest
remembrance of rational beneficent & virtuous
conduct & though his possessions may be very small
they are all his own. & the "mors sibi conscia recti"
flashes an immortal value on them & gives them

are left what a man of opposite character
can never find in his large possessions because
they are none of his own but acquired by crimes
The Conventional law of society on some instances
as well as the law of humanity admit that the ex-
treme necessity of one party may supersede the
right of another Thus acts of grace for such insolvent
debtors whose misfortune & poverty was not occasioned by
paid intemperance & extravagance may be considered as acts
of justice in the name of humanity for what can we de-
mand of those who have nothing & who have been
brought into that situation by circumstances which it
was not in their power to prevent "where there is nothing
to pay says the French proverb the King loses his
right & so certainly must every other man in the
same situation because no man can have a right
to what does not exist the clearest right therefore
may then sometimes be extinguished for want of an object
according to the old adage "qui nihil habet nihil debet"
But the case is quite otherwise in the regard to those
Bankrupts that are the effects of deliberate paid
shameful intemperance & scandalous falsehood -

These are the proper objects of the severity of justice
& neither the apparent nor real want of effect on the
part of the Bankrupt ought to be considered as having
the least tendency to strengthen the claims of the creditor
Slavery & hard labour & life attended with infamy are
the just & proper punishment of fraudulent or extrai-
gant Bankrupts. It is indeed true upon them would
not only be consistent with humanity, but itself the greatest
humanity to the Society as examples of that kind are so
much needed to give men a sense of moral obligation & to
deter them from the deliberate & shameful practice of
injustice all the concerns of men are comprehended un-
der their rights & their defenses these two are the great objects
of Politics which are the business of all governments to secure
& defend in the best manner a government an utter good or
bad in question as they tend more or less to the security
of these rights & defenses. We now proceed to enquire in
what manner have actually ^{vi}proceeded for the security
of both these by the several forms of civil government
whether simple or mixed now that form of administra-
tion of government must necessarily be the best which
secures in the best manner the rights & defenses of men

without sacrificing any one of them to another as
all human things are necessarily liable to corruption
we ought not to be surprised to find that there are in cor-
ruptions & corruptions inseparable from all of them
& that after all the efforts of human wisdom
enlightened by the errors of a long experience

will still be found to elude inseparably to all the
corruptions of opinion now this is what our ignorant & misph-
room politicians can form no conception of from either expe-
rience of history or human nature & from observing that
all the defects of human policy are curable when statesmen
singly they foolishly imagine that it is possible for some
man especially for themselves to contrive just a consti-
tution or form of government as not only shall have no
impulsions at all but shall be utterly incapable of
ever admitting of any such but they do not consider
that an assembly to prevent one imperfection must often
occasion many more that the corruption of human
nature tends equally

the weakness to want
itself in an opposite direction & that after all the care
that can be taken in contriving the forms of a free con-

the good & bad consequences. We hoped or dreaded from it
will be found to depend infinitely more on the moral cha-
racters & capacities of the men that are intrusted with the
administration of it & the moral character of the people
in general than upon all the regulations which good

or bad Politicians

It appears from the history of mankind that men have
always acted in troops & companies greater or less that
they have had an idea of a common good as well as
of that of the individual & that while they gratify art
each for his own gratification they at the same time are
naturally & necessarily disposed to consult the political
forms & to unite their forces for common safety according
to such plans as they approve & which they think will
be most for their emolument the social nature of man
is to be traced in every part of his existence & is equally
to be improved from the cravings of his mature age as from
the helplessness of his infant years. Solitude indeed may
please for a little from the charms of novelty or when
men have no properly interest or pleasure in society to

attract their affections but society is the natural
state of man to which he is invariably directed we
alone can excite his passions satisfy his desires &
lead him to the highest perfection of which his nature
is capable The state of nature which is always propo-
sed by writers who are here prior to that of society
we have already shown to be a mere fiction. Society
itself is well ascribed to that state in which man is dispo-
sed to form that happiness which is always sought
but never perfectly found in this life as the wish to which
our nature is liable do not prefer themselves to our ima-
ginations in a group or connected together but
make their appearance one by one according to our si-
tuations consequently the continuances that we fall upon
with a view to regulate them are commonly particular
imperfect & calculated only

as it is common to observe that in our anxiety to
guard against or regulate one evil we may be in a
greater one or even a number of them so that our
vigilance in this manner is constantly excited & we cannot
intermit it without instant & considerable loss an at-
tempt to correct the irregularity of human affairs by

stream in which constant efforts are required & on which negligence is immediately attended with loss & retrogradation.

"Ac uelute aduerso figuris inflammare lumbum.

"Pernigior subigit se brachia forte uersis

"Atque illam in gremio domo rapit alius amni.

Common safety is undoubtedly the first motive to society as being in its own nature prior to all considerations of pleasure & profit. Dangers may arise either from without or from within men when the paternal government first became impracticable & injuries from without men first made their appearance & threatened danger the election of a military chief was the thing that might have first occurred as being most necessary & most suited to the conditions of rude men that he might concentrate & direct their either for defence or for acquisition. It may easily be proved from human history that most of the opinions habits & pursuits of men result from the state of their society & that men are more or less happy in proportion as they know mankind that their rights & their duties are relative to each other & therefore that their most important concerns & interests are to be found in their mutual

relations & in the state of their communities men are
not men so far from being by nature than they for them
men are disposed to imitate one another & even to love
one another when selfish passions do not intervene &
otherwise to believe promises & narratives to take an
interest in each others welfare & to find a great
amusement to their happiness from the order improve-
ment enlargement safety & serenity of the commu-
nity to which they belong & all this without being
able to give any other reason for it than that we are
so made. and cannot be otherwise if men had
it naturally in their power to enjoy the greatest person-
al felicity in a state of solitude & almost unknown to
all others yet they would learn the opposed blessing & reap
the hard fruits of society for the sake of the pleasures that
are mixed with them rather than the most unmixed
possession of solitary & unknown happiness —

Lecture 164th April the 9th 1709 — —

It is fabled that Cupid being in love with
built her a magnificent palace stored with all kind of magni-
ficence luxury & delights that then all her desires were granted
& every thing that she could wish for was immediately brought

interrogator in audible voices she had left the
company of Cupid her lover

all these delights she was extremely unhappy because she
had no witness of her happiness & therefore desired to see
her lover at any rate & upon using a certain magical spell
the Palace servants & on a golden furniture & cupid him-
self disappeared in a moment & she immediately found
herself all alone in

when we find this fable was a platonic philosopher of a sect
that dealt much in allegories It is probable that he either invented
or selected it for illustrating the social nature of man & the
absolute necessity of society for his happiness one great depart-
ment therefore in which the love of mankind may operate most
effectually yet remains to be considered in the establishment
of nations & taken in any independent company or society of
men acting under a common direction, now the adjustment
of the numbers of a nation in such an order as tends most
to the security of their common & private rights of persons &
to enable them to act with the greatest advantage to their
common good constitutes the science of Politics or State wisdom
The united form of members & the direction under which they act
is termed the State the laws of law form the common direction
in the government of all nations by these fictions the public

interest is performed & represented either by one person or
more as is thought most convenient & agreeable to the taste
& fancy of the people that fiction of law which is admit-
ted by the greatest numbers is that to which all the inha-
bitants of the country ought to be subordinate because the
attachment of different persons to different fictions or forms
of representing the public interest gives to their profiting
by any of them in the mean time whether therefore the pub-
lic interest & the public power & will be satisfied by an
arbitrary fiction of law to be represented by one person or
by many & whether it is represented by those constantly
or by succession of one to another yet the support of one con-
fident fiction is absolutely necessary to the peace unity &
safety of the nation. It may perhaps be thought extraordi-
nary to place all forms of government on the foundation of
a fiction at law yet nothing is more certain than that this is
the case because whenever men begin to think differently & no
longer to agree on the same fiction or personification of the pub-
lic interest the whole system is broken & the cause of their
former union is at an end at once. The monarch & the
Nobles who were formerly respectable & reputable
while the belief of the fiction remained that is as long as
they were believed to be such dwindled at once into more
ordinary men whenever another fiction is contrived or

comes into request In the very same manner as a player
who had performed into the part of a monarch on the
stage after putting off his Robes & Laying aside his Coffy

an ordinary & perhaps an
insignificant & unlearned fellow. The art of all government therefore
is the duty of rulers & subjects consistently in acting their
several parts well & in supporting the nation with ability
steadiness & propriety & the whole happiness that can be
derived from government depends wholly upon this doing
so men will easily believe that a man incapable of power
who acts in a manner that is worthy of it &

submit to the humours the use & the courageous mean
or dishonourable conduct either in magistrates or subjects is that
which breaks the charm & discomposes. Although at times
the whole wisdom of the wise consists in supporting the
nation with propriety & in endeavouring to give it the most
salutary & agreeable effect on the public interest a Philo-
sopher who pleases himself with contemplating the plan of a
perfect government either in his own imagination or in the
undertaking of others is exactly like that man at Argos men-
tioned by Horace who imagined that he saw & heard
the performance of most capital actors in sitting in an
empty Theatre & listening a stage entirely empty
Thus

"qui

"In vauis solus apud clausaque Theatro"
But when we see in moderns his views & consider any
form of government that is actually established in the
world he is like the same man when found of his mad
self

"Hic ubi cognationem debet cuiusque iustis
Expulsi

belongue.

"Ouidiſtes amice non ſenſiſtes aut

"Qui ſic extorta

"mente grauiſimus error."

D & C among the Antients & Jules
Camille Sir Thomas Moore Sir James Mackintosh
Dr. Wallace & Mr. Hume among the moderns have
ſucceſsfully amused themſelves in this manner in making
draughts or projects of a perfect government. Father An-
drew Munday a ſpaniſh jeſuit does likewise and his
talents on the ſame ſubject. It would be endleſs to enumerate
their ſeveral peculiarities or the defects of each of theſe
ſystems but we may ſay in general that all theſe
authors have found themſelves obliged in order to com-
plete their Theories either to aſſume ſome principle
which does not actually exiſt in human nature

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so that none of you are adapted to human affairs nor capa-
ble of being realized for the good of the public. The contempla-
tion of them however is signally useful because it forces to
point out the manner of reforming all real govern-
ments so far as they are capable of reformation & de-
vails the notions & views of men by the image of ideal
perfection when we say that governments founded on a
general deception or the uniform belief of a fiction of law
we do not mean government in general but any individual
form of it that takes place in a particular country or prefer-
one to others now when the public taste undergoes any change
that form which had appeared so amiable becomes im-
mediately ugly & exhibits most disagreeable features so that
it can be no longer endured & another is substituted in its
place. In the same manner as with respect to the fashions
of cloaths these fashions which for one month are suppos-
ed to be the most rational becoming & proper that
could be imagined after two or 3 months become ugly
vulgar & intolerable. The reason why all men love the
name of liberty is because it is a more negative idea we
signify nothing that is real but implies only the ab-
sence of one evil namely restraint or force

much good & there is all that is in it but to this we add
out of our own imagination the absence of all other evils
& the possession of all goods what power we see of those which
are incompatible with each other & how it is entirely these
fictitious & imaginary additions which give the charm
to the word liberty especially as every one grasps these
additions according to his own desire or fancy & supposes
liberty to comprehend property pleasure riches dominion
or regulation tho' indeed it does not imply any of all
these & now if men ^{knew} ~~thought~~ that liberty signified only any
condition in which a man is free from one sort of evil only
their love to it would be nothing so great nor the admi-
ration of it so extravagant as we find that it commonly is in Nations

The happiness of indi-
viduals must depend much more on their own character &
conduct than either on the form or administration of the go-
vernment under which they live though these too may
have an influence on it in some degree tho' schemes of perfect
governments which we have mentioned all concern in suppo-
sing man hard to be what they are not or in supposing
some principle in them which is not or in supposing the ad-

some of some example which is inferiour to them than
but all the actual & simple forms of government are liable
to the same objection even high & dignified monarchy for instance
supposes much more virtue & wisdom in the monarch than
is found to fall to the share of ordinary men & otherwise
supposes such baseness ignorance folly & incapacity in
the greatest part of the subjects as if they were incap-
able of conducting themselves in any affair or as if they
stood in need of the constant terrors of arbitrary pow-
er & control

Whose duty -

Aristocracy indeed supposes equally to true the no-
tion that some men are virtuous & others vicious
that some are wise & that the greatest numbers are
otherwise but then

& nobility will be always found united with wisdom
& virtue & that those who are deprived of the gift of
these will have as much virtue as is sufficient to
qualify them for governing other men. Republicanism
is the most extravagant of all fictions & utterly irrecon-
cilable to both the nature because it supposes a
whole people to be better left than perfectly wise &
perfectly virtuous & sufficiently qualified to govern
themselves at the least it certainly supposes that the
wise & virtuous in a nation are always the greatest

member because the choice of representatives officers
e governors is left entirely to them perhaps it may
even be returned a ready supposition to suppose that in
any one country

the majority yet we must either suppose this
or else suppose that a majority will always at least
have an esteem for wise e virtuous men more than
others e consequently that they will elect them for yr
representatives e rulers however ever this supposition

than the foregoing one but if we should not acquiesce in this suppo-
sition we must embrace one that is still more hardy e
not a little fashionable namely that wisdom e virtue
are by no means necessary for representatives e rulers
e that the ignorant e the vicious may promote the
public good fully as well promoting they are chosen by
a majority of the people but of none of the former suppo-
sitions will satisfy

people are under the influence
of the vicious part of the nation e that they will be
generally determined by their advice e example but this
is supposition non supposition or as being wholly contrary to
the nature of things the best thing therefore with regard

none of the suppositions that we can make will come within sight of truth or probably so as to give us any ground that the form will be favorable to the welfare & rights of mankind the fact is that all governments whatever whether simple or mixed are more or less & the least that can properly be said of any one particular form is that it gives more than is than the others of equitable

in the

equal enjoyment of rights any useful law or regulation that is wanted may be easily established & any public grievance may be easily removed provided that it were considered as such by the majority of the people but here again lies the difficulty how the majority of the people can be made to agree

wretched we

are composed mostly of wretched men the happiness or wretchedness of individuals depends mostly on their own character & on some extent likewise on the form of administration of the government and which they live under the form or the administration of a government may produce signal wretchedness to individuals even when their

as happy or unhappy either in respect of their resources
or with respect to their institutions & national resources
on the subject of public economy & national in-
stitution.

Now those nations may be said to be most happy who
have the best resources & the best institutions for securing
the rights & defenses of men. The right exercise of compul-
sory law is the object of all political institutions & ar-
rangements & public economy is necessary to enable
nations to secure these ends in the most effectual man-
ner. In discussing the natural history of mankind
we look occasion to describe & struggle to compare with
each other the several

consequences in the history of mankind
it will be sufficient to remark then that all forms of go-
vernment are entirely indifferent in their places and may be
either more or less useful for securing the rights & defenses of
men in proportion as they are well or ill administered
each of them has its particular conveniences its excellencies &
defects a mixed government of Great Britain has no doubt
been the most popular of all the mixed kinds & is accord-
ingly adopted by many republics in Europe & now by 12 of

the United States but forms are of every inferior consider-
ation in all forms of government
every form is capable of every great thing even
very good without the least alteration in
its form. Mr. Paine's opinion is certainly well founded.

" For forms of government let fools contend

" That which is best is best

I am investigating therefore the happiness of nations so far
as this depends on government or on ascertaining the
cause of it we will keep no particular form constant
by or away but the best to be made will apply
equally to each of them near as the pursuing a due
example of compulsory law is the great chief of all
government for public economy must be necessary
for every state that it may be enacted to provide
resources for securing the public happiness. In coun-
tries where there is no property government is
entirely impracticable & superfluous & liberty of no
value whatever laws & government are not only
necessary to preserve property but the resources that
support these must arise from the property of the nation
whose happiness is to be secured by them a happy nation
therefore must at least have property sufficient not
only to supply the natural necessities of its inhabitants

of government & enabling them to discharge their duty
to the public a republican government may in one
case be considered as most favorable to a poor people
because the salaries of officers may be made smaller
under that form than would just with the splendor that
affords by monarchs & aristocracies this a too great
sordidness in this respect might likewise be very hurtful
to the authority & efficiency of republican government & to
may tend to fill the offices of the state with courtiers more
or more of little mind who would give themselves very little trou-
ble with the duties of those offices that afforded them
a small emolument. National resources include
every article that tends to constitute the strength of
nation or that may be employed for its preserva-

under 3 heads people wealth & revenue
Some of these have already been considered in treating of
the natural history of man or respect to the part over
respect to the course which men actually hold in the
treatment of them but they are now to be considered in
respect to their absolute & comparative value
advanced—

Populousness is the first fundamental resource for a nation & the

that a nation occupies a State situated on an Island ~~or~~ or on a part of the Continent where its frontiers that needed defence ~~is~~ of little extent may be possessed & defended much better by a small number of people than a State

by 10 times the number of the others may the very figure of the territory is of great importance because all figures are capacious or otherwise in proportion as the approach to ~~it~~ recede from that

territory is almost of as much importance to nations as to fortified places & for these fortifications are undoubtedly the best when the space

is least which presents the smallest frontier to an enemy & contains the greatest number of people in the smallest space the compact form of the Kingdom of France has been often taken notice of as contributing not a little to national convenience & resources but the convenience of a compact

considering the inconveniences of an incompact form of territory The dominions of the house of Burgundy

line of length without break so if
they were incapable of defence & were all left in one
day though they reached in length from the Eastern
Frontiers of Spain to extremity of North Holland
the Dominions of the present Emperor of Germany

ye others from Belgrade to Milan a space
of more than 900 miles & they must be conceived to
wreak for the very same reason & this weakness is one
of the best securities of the Liberties of Germany & the
other powers of Europe China & Holland contain the
greatest numbers of people in the smallest space of any
countries in the world

The value of numbers however
is in the compound ratio of their union & their charac-
ter

moral virtue under numbers of people of no sort
of significance is a nation but if both these are wanting
the nation must be poor & miserable.

Society is made one out
of many & to make numbers to act at once under
a common direction no man individual can be said in
truth to belong to the nation than can be made to act

if not as enemies vicious men are the reason
of very poverty & instead of adding to the strength or num-
ber naturally tend to its destruction either directly or indirectly
the population of a state therefore ought only to be com-
puted from the number of virtuous individuals that it
contains because the state cannot depend

on a people in consequence of
this number sometimes become diseased & corrupted
but this must suppose the concurrence of other circum-
stances just as wide dispersion

of government thus Egypt
Rome was always retain-
ed with the greatest difficulty under the Roman
Empire for the same reason as still

at all by the Turke-
ish government tho' not so distant from their capital
the Arab Sythians & Tartars

regular government but these
countries are constantly traversed rather than inha-
bited by united & wandering tribes what may be
referred more than half Savage nations man
ners may indeed be

but the more in-

crash of a people separated from other causes
can have no tendency whatever to render them
corrupt or deformed.

Lecture 165 - April the 10th. 1799.

But every sort of zeal or political dissimulation the greater part
by this means are either thrown into a state of Languor & ob-
quiescence or they brood great & secret Schemes imagining that
they have a quite different interest from the rest of the community
by which they are separated & want of correspondence with the over-
sight of public affairs & transactions so that they either conceive
groundless prejudices against government or suffer themselves to
become a prey to noisy ignorant Demagogues who promise to
secure their rights by throwing all into confusion frequently &
ease of commutation therefore is absolutely necessary to the state of
large extent immemorially fixed or settled population. The
invention of this thought is first among the ancient Persians is

least recent in Europe but has been of immense use both for
increasing the energy of government promoting unanimity
among the subjects & diffusing knowledge of every kind with
speed & efficacy. To say nothing of the advantages of it to Trade &
private friendship accordingly we find that that part of every
state which has the convenience of Posts is already greatly
superior to that part which is destitute of them in knowledge and
manner. The art of life & acquaintance wth public concerns. The
Swedes left thus liberty by being scattered & wanting opportunities
of knowing the inclination of each other & the same must sooner
or later be the fate of all those states which neglect the advantages
of good roads & frequent communications. The Romans
never imagined that it was possible either to govern or educate a peo-
ple without good roads & they began with this article in all
their conquests which proved a considerable means both of retain-
ing them in their possession & of bringing them into a cul-
tivated & civilized state improvement in arts an easily com-
municated when states modes of communication are promoted &
facilitated by the public & without this many improvements
might remain unknown more parts of the state while they
were undiscovered & gratified in another Human nature
in states of a moderate extent has commonly improved & exalted
but in states that are either overgrown scattered & hardly governed

it has uniformly declined & degenerated. In a small state every individual has a larger proportion to the public & can be better known & more generally respected than in a large one. But in an overgrown state or in a state of scattered population a man is a mere atom & has no sensible proportion to the public at all, & in general can never belong to it. Besides, overgrown nations commonly degenerate into despotisms either by luxury when their population is abundant or by licentiousness when it is thin or scattered. Now Despotisms level all distinctions both natural & adventitious & leave no influence or consequence to any of the subjects who are all decreed to be equal & sink under the power of the despot. The size of most of the united states except two or three which ought to be suppressed is such as is very favorable for the improvement of the human character & for affording sufficient scope for men of eminent talents to distinguish themselves. Besides the confidence & importance which they might attain in a federal government. The luxury of overgrown states enervates the powers of men & when there are no rewards for virtue or real worth men of active minds will distinguish themselves only by such trifles as may give no umbrage to government & will be obliged to affect that insignificance & privacy which is the only protection of genius in arbitrary states on the contrary if very great numbers are

judiciously crowded into narrow districts or cities they are
much exposed to corruption & apt to become gregarious debauch-
ed licentious sedition incapable of social & public affections
Too much or too little communication too distant or too
close neighbourhood an extreme that are equally hurtful to
the moral & political characters of men In a very large
city the inhabitants cannot be all known to each other
nor when there is a great number utterly unknown to others
& engaged in the deepest obscurity in the midst of the great-
est publicity this mixture & namely not being under
no direction having no principles & having no regard to
character & at the same time living under almost no restraint
from laws become a focus of corruption & a seminary of cri-
minality & may become a fatal engine of destruction in the
hand of any Demagogue who might be able to influence by
imitating their manners & adopting their prejudices. The
city of London E. G. by a very lax government & almost total
want of Police contains at all times vast numbers of rascals
& enterprising villains who use no industry & follow no
lawful profession but subsist solely by playing upon the
honest & industrious part of the inhabitants & they are
the more dangerous both on account of their great numbers
& their obscurity by which they are in no danger of being

worshipped there as well as here
has always prevented the English government from inquiring af-
ter the innocent mist of villainy & they rather chuse to remain
exposed to all their arts & to live constantly in a kind of state
of war than submit to a regular police which they think in-
tolerant to liberty & would make them resemble arbitrary
countries. The late Duke of Newcastle when in demonstration
sending his measures often opposed by the London mob who were
under the influence of the country members had no other resource
than to hire a mob of his own whom he kept in constant pay
& ready to take the field at a moment's warning when ever the
other mob offered to stir but the English ministry in the days
of Wilkes had no recourse to this method which might have been
very useful to him.

obnoxious to the multitude. The union of a people depends on the ar-
rangements & dispositions which are made to employ them where
the public service requires local affections inferior corporations
& ties of neighbourhood are highly useful for promoting public
spirit & union of affection by these means virtuous characters
may acquire more talents may come to be
known & neighbours have opportunities of communicating their
opinions to each other & getting the better of their prejudices so that
the nation may be immensely benefited by means of these
already organized bodies which are the lesser members of

Nation was not only dis-
posed to union by knowing themselves to be all of one family
by but by the graduation of organization of smaller families
into neighborhoods & by captains of thousands hundreds
& tens which found to complete the cohesion of that wonder-
ful people. It is true that their choleric temper & mutinous
disposition often brought them into variance but
they only prevailed when the institutions of their law were neglected
the union of the people in regular dependence much more upon
their affection to the community than upon the power that is
established to enforce their power as the citizens of a free
republic have nothing to fear their union is only ground
from their voluntary attachment to the rulers & the laws
must be expected to have but a very feeble operation when
they are not consonant to the prejudices of the people now this
is indeed the weakest side of Republican government
that it is almost impossible to make a law that can
have any operation at all

• the prejudices of the
people are always violently set against any institution that
may have the consequence of making them do or suffering thing
against their will even if it was so just or reasonable the more that
knowledge is diffused in a community good laws will more
probably be made & certainly more respected & union more easily

maintained but to the Church the prejudice of the people are
commonly very strongly opposed as they are exceedingly apt to
dispute knowledge manifest errors & dispersions unfavorable
to that liberty which they call Liberty an ignorant &
fanatic mob is infinitely much more hard to govern than
the most extensive population of regular & sobering citi-
zens & the fury of an ignorant mob always affords the best
patent for introducing Tyranny or arbitrary power as a firm
& ignorant mob can scarcely be governed in any other manner
Those that encourage mobs on the presumption of their being
favorable to liberty

a most effectual method for introducing Tyranny
into this Country is indeed no country can subsist long without
arbitrary government when mobs are frequent & met with incov-
riagments in monarchies the union of the People

affair by forming the state
The manifest gradations of office rank & condition in a mo-
narchical government create such a chain of dependants as one
way or other comprehend almost every individual in the state & the
common dependence procures one of the firmest bonds of union
in those States no one is so high but that he has his superior
to please & none is so low that he cannot be greatly benefited
by the favor & goodwill of those who are immediately above
him or even be useful in some way or other to some who are far
above him in rank now this dependence forms the union

of manners which is always to be observed among the subjects
of a monarchy on the other hand the citizens of republics
having no mutual dependance on one another except
the candidates for dignities

their passions for
fear of giving offence the consequence of which is commonly a
timidity & selfishness of behaviour which leads men to form
the opinions of others & to have no regard at all to their
judgment in judging of their neighbours this temper is
much against freedom & for this reason the citizens of a
republic ought above all others to cultivate knowledge
& Politeness of manners as by their independant situation
they must have less mutual respect & constraint a sort of
Pride that commonly puts them out of all capacity of being
benefited by the wisdom of one another so that in these
circumstances every man has the more need to acquire some
wisdom of his own as his sense of the independency of his situa-
tion will not suffer him to make use of any other the
union of the people in dispute

in general
to insure the service
& subjection of the people a standing army under strict discipline
& subordination is an awful & but indeed to a public & an arm-
ed multitude & the cruel public governments which are

inflicted on State Criminals in despotic Government

so that they turn on one man in obedience to their despot
or his officers. Mirulaid of a certain minor
ty of State in Persia that he used always to sit with both
his hands whether his head was upon his shoulders every
time that he came out from the King so awful and ob-
ject as an absolute Sovereign to those who entirely depend on
him & who have no laws to reform or defend their rights.

The Character of the people

Attempts to reap & to preserve or to im-
prove the advantages of their constitution & to support their country
in pursuit of its objects but the number even the union of the peo-
ple are of no consequence at all as a national resource unless
they have good moral principles & are industrious & prop-
erly employed & not a wicked or an idle people however numerous or
however united most miserably be poor & prone to sedition
or having nothing to lose & every thing to gain in their
opinion. Why the change of government has a love of
truth & justice & a sense of honor & moral obligation are
of greater importance & necessary than industry itself for this
reason that industry cannot be exerted nor the powers of
members combined for any national purpose of improve-
ment without honesty & uprightness which are the

late peace had bestowed but $\frac{1}{4}$ of the sum to encourage
industry which they have industrially squandered on
vulgar luxuries it might have contributed greatly to
the union

time have delivered us from the greatest of our foreign & do-
mestic debt 5 years of peace in the beginning of a new go-
vernment are of much more importance than twice that
period after it is supposed to have become stationary &
Prejudice have taken a deeper root but industry is not
only necessary to make populousness useful to the public
but also

sooner than an idle people can do who are apt
to become debauched & intemperate which of all things in
the world is the most fatal to population.

Lecture 166 April the 10th. — 1789.

Different Characters are required under different forms
of government under republics of every sort high degrees of probity are
required under monarchy less & under despotism less of all. In a
republic the appearance at least of virtue is necessary one of the
heaviest objections it is ordinarily made against republican govern-
ment is that it requires such degrees of probity as are rarely found
among ordinary men & those who have doubted whether republican

government could be supported in this country did so because it
was a question with them whether we had wisdom enough to go
upon our fellow & conduct actual experience of present calamities
the situation of our public & private credit has shewn to a demon-
stration that we certainly have not too much now of state officers
in general an distrust of integrity & yet are not made upon
still for their management which has hitherto been the case
what security will the public have in a little time for the up-
right management of its affairs a sense of honor which is a
great preventive of many crimes & otherwise much more
can be found & more difficult to be supported in a republic
but in a monarchy the example serves as a substitute for
virtue where it is not & for an inducement to it when it really
exists the greater degree of confidence that grows under monarchy
makes virtue less necessary or at least in a less degree than it
is under a republic but the tool of a despot has almost no
occasion for virtue at all being exposed to the jealousy of his
master or common with others & to the hatred of the people by
his office he must defend himself from the just by flattery
& from the other by terror & uncommon severity under a mis-
criming a ruler or public officer does not indeed need a very
high degree of probity yet he will recommend himself to the
people if he has the appearance of zeal for religion all an-
cient & modern republics have been uniformly animated by
a common religion our American republics alone are

the ~~renouncing~~ of all public concern for to support that this
does not tend to the enervation of morality among them we know
already that it will not tend to their enervation or grandvige-
ment we will know in a little time the support of a pub-
lic professor & exercise of religion has uniformly been
a matter of public concern in all other countries in the world
what form of government they adopted but here the
support of religion is entirely abandoned to the discretion
of private persons who may either profess any religion that
they please to support or none at all if they prefer liberty
without it & the obligation of contracts made for the sup-
port of religion is not imposed by the law but all payments
of that kind however solemnly contracted for are declared
by law to be arbitrary & at the pleasure of individuals
on this too we differ from all the world but whether it can
be subservient to the increase of honesty & good faith in our
mutual dealings to say nothing of religion the smallest
degree of attention & incense will easily discover the pernicious
effects in every state next to its political constitution are
defence & commerce with respect to defence men are to be
stimulated by their hardiest courage & discipline from
the very beginning of things all Societies of men have
been uniformly jealous of the possessions of each other
& prone to seize them by force or fraud as often as they

have it in their power & for this reason no nation whatever
can be properly said to be in possession of its territory unless
it is in a condition to defend it against all invaders -
a militia being generally disaffected at least comparatively
speaking of discipline & subordination there been generally
found greatly superior to regular troops though the combat
ants were equal in all other circumstances besides a
militia who have no property cannot be supposed to
be very zealous or ready to run great risks in defence of
the property of others on the other hand a militia who
have great property are apt to be very tender of their lives
& standing firm & numerous with respect to meeting
an enemy men of small property on the most determined
militia not being overawed by luxury & being sensible
notwithstanding that they have something to lose. The
of new England being so near an equally in
country fortune & unfettered by

men with the wicked men of the insect
as a number of them not long ago even rashly embarked on to
burn their arms against their own country & to endeavor
to ruin a government that was erected by their fathers Solomon
says rightly that wisdom is a defense & surely in political &
economy it is of the

duely, & diffused will enable men in ordinary stations to
defend the real interest of their country & to be on their

of noisy Demagogues who never have nor can have any sense
except among the grossly ignorant. The want of knowledge in-
deed renders men as weak children so that they easily
become the dupes of artful Villains & but very ordinary
parts are needed to persuade them to rise in arms & to destroy their
own laws & the defenders of their own rights in behalf of a phantom
which an Impetuous calls liberty with regard to courage
men are very unequal & it is not the necessary appurtenance
of any determined character sometimes it is inspired by va-
nity sometimes acquired by habit & most generally pretended
to by Hypocrisy & towards not knowing what true courage
is are apt to overdo it, appearances & are commonly dis-
tinguished from others by noise & bragging being conscious of
their defect they strive to hide forth the appearance of a direct con-
trary disposition & an ostentatious boldness towards men
by pretending to have much less apprehension of danger
than men who are truly brave but real courage is most
commonly the effect of natural constitution many bad men
have been eminent for it & some good men have had very
little of it. In a national militia when discipline is gene-
rally slack & subordination proportionally weak courage ought
to be universal being almost the only principle of union
that can be depended upon in such a society & when this is

fatal even to many brave men During the late war the
enemies of America often exulted very much in the effect of
sudden Partis not duly considering the loose & misfel-
laneous materials of which her militia were necessari-
ly composed Discipline cannot be attained in a sudden
& the habits of obedience which are

free people who
are utterly unaccustomed to obey one another Hence ex-
perience & reflection serve to bring them to a near-
er resemblance to regular troops in respect to command
more as to be estimated from their industry & from their
skill & application to profitable arts agriculture indeed
is justly considered as the mother & nurse of all the arts
because it supports those who study & gratify them but
agriculture considered as the sole profession of a nation is
the poorest that can possibly be imagined & the least
capable of improvement because as soon as a country is tole-
rably settled it has reached its zenith in this respect &
can go no farther beyond the productions of agriculture
being weighty & profitable must either find a market
or spoil on the hands of the Farmer & the use of them
being only their plenty & sometimes degenerates almost
to nothing which is a very melancholy consideration where

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Commerce denies its materials from agriculture & manufactures
the exportation of crude or unmanufactured materials is but a very troublesome
& of little profit but the exportation of the fruits of manufactures
& labour may be profitable in any considerable degree manufactures
increase the value of land & where it is encouraged greatly
exceeds it in its annual produce thus the land of England
highly improved as it would afford only a poor national re-
venue when taxed at £5000000 Commerce & ma-
nufactures are by far the most valuable & productive a national
resource but the fruit of these depends wholly on the last
The Indians are not more dependant on the Europeans
for thus far arms ammunition rum blankets & tomahawks
than any other nation

They want the cultivated state of Italy
it cannot be expected that any one nation will flourish
wholly on its own product therefore commerce which ex-
changes the products of diff. climates becomes extremely ne-
cessary Every Nation ought to export at least an equal
value to what it imports otherwise its wealth must be in a
constant diminution & it will must increase proportion-
ally

that require a speedy remedy
Unprofitable arts are ruinous in proportion as useful arts are
profitable to the public retrenching superfluities may be
considered as a national resource but it requires a re-

source of another kind namely a suitable stock of courage
which is generally wanting but the virtue as well as the
knowledge of a people may be considered as an important
national resource the political economy

Economy of each individ-
ual in it - Sumptuary laws have been adopted by many
states as national resources or defenses against luxury but they
are generally unpopular & excite a loudly complained
of as inconsistent with liberty Duties on certain

prohibition an equally
to be imposed upon sumptuary laws but the imposing of
duties & prohibitions upon the law has no energy & the
frontiers of the state cannot be defended in this case the
wisdom & virtue of individuals is the only resource all other
resources being impracticable there is fear any instance
in history of a nation having ever recovered its liberty
after having once totally lost it nor of its retaining its
liberty any considerable time after it was corrupted by
luxury

as the surest means of gaining acquiescence of
from circumstances otherwise favorable popula-
tion always keep pace with the art & means of subsis-
tence

a variety of professions by which a family may
be supported & the rulers of a country must ever

in the very same proportion Property realized by
labour may be multiplied to a vast degree & a great
deal of it may be produced in a very small space thus
there are many trading towns in England each of which
contains much more wealth

States & the city of London many times
more than all of them put together the want of frugality is
unknown to nations that have no internal resources it is only
expensive to industrious & commercial nations when the
means of subsistence

is a family supported very few in number a nation can
not become populous such institutions as encourage the settle-
ment of families & facilitate the raising of the
J. Cro & governing opinion

frugality sobriety
& chastity are considerable national resources & tend most
essentially to population Luxury indolence Slavery & debauch-
ery are detrimental to it in the same proportion as they prevail
States of industry attachment to one's native soil a regard
to hundred neighbourhood & above all a regard to mo-
ral character may be reckoned the most considerable &
fundamental national resources with respect to popu-
lation because they tend to. The frugal & most
useful class of citizens & to attach them to the place

many Emigrants must either longingly poor humbly
become so by that circumstance unless the Emigrants were
related by public authority as they were in ancient
times from those who had the resources might
be more second on the other hand a country
that receives many emigrants may quickly become populous
but a long time is necessarily required to make emigrants
capable of union with each other or susceptible of a national
spirit or firmly attached to one another when the
attachment which a man has to his native country
is once violently torn up by emigration it will never
spring again with the same strength into another
Several ages may be requisite before a collection of
Emigrants can be properly consolidated into one people
or conceive any degree of affection for their own country or
place of abode. Charitable funds or government for the poor
constitutes another encouragement to population & conse-
quently a national reform. Some have injudiciously
claimed these as well as charity schools as hasty at to
industry but when they are not the effect of law
but of voluntary contributions they are no less resources of
population than tests of the virtue of the people. Humbling

destruction of Population & Industry Men are said to be
rich when they possess the means of defence sustenance accom-
modation & ornament riches are a more conspicuous advan-
tage & can be possessed only by a small number in every
country because they suppose poverty which is comparative
in like manner a nation is rich that contains many
rich individuals wherever men are industrious & per-
form useful arts with judgment
riches
will gradually accumulate especially if industry is
accompanied with frugality an equal distribution of pro-
perty or any thing that comes near it is neither
practicable nor desirable then can be no life or perfor-
mation in a nation without the spirit of acquisition & they
cannot exist without the practice of useful arts & the suc-
cesses
threatning to
this country next to the prevalence of impurity vice &
disorder as the

justice property & government wealth is a national resource
because it may be employed in maintaining itself or for
useful men & in supplying the exigencies of state men brought
to labour for the public as well as for themselves Don't taxes for
the support of government are a necessary & just as those
that are called indirect or invisible & they are the men
necessary in such states where invisible taxes cannot be im-
posed or levied when property abounds in a few hands it
may be laid out for the public good especially if
credit & confidence exist among the citizens that
men will not lend their money to those who do not
pay credit to be withdrawn at because a sense of
justice & of the right of property is a natural sentiment
which no lurking political insinuations or even corruption
of manners can ever eradicate from the human mind
Even fraudulent debtors thieves gamblers & Bank-
rupts will consider it as very hard that others should deal
with them in the same manner as they deal with others
The great use of rich men in a state is to support &
employ the poor to lend out their money to those that
are honest to pay better taxes in proportion to it.

to excite an emulation among the people that by the
labor industry & frugality they may hope to attain
to the like common in wealth the human faculties
entirely languish when they have no

disturbance in the natural & uniform
order of the industrious but when this is put out of their
reach by swelling laws or luxurious opinions & practices
they must turn their activity against one another which
is most of all to be dreaded in a free government. The
confliction of wealth may be considered in respect to their
value & in respect to their price

manufactures constitute real
wealth when they are greatly above the necessities of
the population money is only the sign of wealth & has a neces-
sary relation to the produce of industry but when these do
not exist money finds its way to another nation
where they are to be found the last war instance must
have brought a vast influx of money into this country
but the productions of industry not being

the greatest part of this money has already found
its way back again to the countries from whence it came
for the purchase of necessaries or unneccessaries the multipli-

cation of
into any country or bringing it in it thereby the productions
of arts will always be sought for at any
article of wealth is to be computed
from their real use to human life but their own must
always be in proportion to the demand & the possibility
of growing them

examination of Consumer for a thing cautions him
against using superfluous articles altho that might
be very useful if attended to as it ought not only to
be things but to great multitudes of private citizens

Lecture 16th April 1789 —

who cannot pay for them or who scarcely can provide themselves
with ~~superfluous~~ the tendency which luxury has to promote in
detestable vanity & insignificance & to create a disgust for labour
industry & usefulness. Indeed the luxuries of the rich which confined
to them only may support numbers of industrious poor but when
these luxuries are wanted by those who cannot grow them lawfully
the love of luxury becomes a powerful incentive to crimes as well as
a temptation to treason & may even prove fatal to the
liberty of a nation by rendering the citizens incapable of de-
fending themselves as the use of wealth is to maintain a numerous

date men articles or commodities are valuable in proportion ^{to} the num-
bers w^{ch} they are fit to maintain & accommodate only the means
of subsistence & defence are truly necessary & all other articles be-
long only to accommodation & ornament. These means of accom-
modation which contribute to the preservation of men & to the in-
crease of their vigor & health are next in value to the neces-
saries of life. Articles of mere ornament are of no value at all ex-
cept when considered as an export whereby to draw articles of
real value from other nations. The Kingdom of France by
being accustomed to get the fashions to all Europe is a very great
gainer by articles of ornament. The production of French ar-
ticles which are in request every where through England by engraving
on the inventions of her neighbours has now come in for a conside-
rable share of the same sort of trade but the trade of ornaments be-
long only to real & industrious. The Dutch have gained
no little from savages in sundry parts of the world by exchanging
the glass beads & other toys of small value for the productions of
their country but in a rich country like this useful arts ought
always to have the

The luxury of a people is to be estimated by the degree
of their consumption of mere ornament, & when these are brought
from other countries they ought to be considered as much more
pernicious by being paid for either in articles of real use or
in money which is necessary for carrying on the commerce of a
country in than itself. Abundance of luxury must soon

produce. Manufactures or a want of manufactures. It therefore tends
to encourage industry & to ~~cause the~~ ^{increase the} lengthen the point of
defence. The price of a commodity is measured by the quan-
tity of any other commodity that is commonly or occasionally
given in exchange for it. In Barter which is the most original
Species of Commerce the wants of the Parties determine the
quantity of each commodity which is to be given in exchange
for the other but all commercial nations have adopted the
use of Gold & silver as a sign of value & a common standard to
which the price of different commodities might be reduced & which
might fill the place of such as were not wanted hence money is
considered as the equivalent of all commodities & the constituent of
wealth but on the other hand Commodities are no less the equivalents
of money & the abundance of any one species whether of money
or other commodities will bring a corresponding increase in the whole -
Industry is the common parent both of money & all other
commodities & wherever it prevails will purchase either or
both for this reason there is much more money as well
as more goods in Holland than in any Country in Europe
of late its extent though its native production being little more
of its inhabitants but their industry has produced wealth & even
luxury in the midst of a barren morass which supplies no grain

by the Sea the acquisition of wealth is however much more easy
in an extensive & fertile soil capable of a great variety of rich
productions yet even such a country must necessarily be poor
if its wants exceed the price of commodities fluctuates &
rises & falls with the quantity of money in circulation with
the scarcity of the commodity with the demand & with the wishes
of those that consume the article we have already seen that a
great increase of money in a country such as prevailed here
in the untimely days of Congress paper tend to enhance the
price of labour & of all commodities what follows till the super-
fluous quantities are exhausted when a commodity is scarce or
when great quantities of it are wanted or a particular one for
such as arms & gun powder in time of war the price must
& whenever the demand is supplied the arti-
cle resumes its former value which is only in proportion to the
remaining demand when nations or individuals have a
demand for any particular article they will enhance the price
of it in the same manner as great numbers of people the
price of all commodities therefore is mainly & depends
on the demand the ability of the consumer & the possibility
of procuring the commodity articles of ornament are fre-
quently of the greatest price thus precious stones on account

of their rarity & thus not being subject to decay or well
as on account of their rarity, connoisseurs have always been
highly prized by mankind & although France & England in
particular have been able to counteract the appearance of most
of them with considerable success they still retain their value
& even the Diamond mines which the Portuguese have discovered.

those of the East may they even retain their value
in the very countries where they are produced. The tea-leaf
being brought from the other end of the world

in China & what is there
the ordinary drink of the labourers with the mixture of
a little salt & is used merely with a view to correct the
bad quality of their water becomes a luxury in Eu-
rope & America & was accidentally the occasion of the be-
ginning of the late war Commodities that are the effect
of labour time & cannot continue to be sold for
less than what will maintain the workmen & pay the
whole of his advance. The ancient Greeks from an En-
thusiastic love of game would often spend whole years
in making a single statue & their painters were also
noted for the slowness of their progress on their works but this
circumstance as well as the correct taste & amazing power
of these artists stamped a great value on their productions

The Italians are the only artists among the moderns
that can be compared to the Ancients with respect to it

Animated the
pen must be such as will encourage the artist for
the loss of so much time & trouble & encourage him to
employ himself further in works of a like nature
of all the productions of art & Indulging the writers of
men of learning before the present Century were of the
smallest price & most poorly rewarded before the Statute
of literary property in England in the reign of the late Queen
Arnone Authors had little or no reward for their productions
which they communicated to the public

only 15. for it & several
additions of his works on the other hand the late Mr.
Voltaire often sold the same Book under 4 different titles at
high prices to four different booksellers at the same time for it
off for nothing else he may be truly called an ingenious
author because the greatest part of other authors I have been

overwhelmed them. Since printing & Book selling have
become gainful trades knowledge has indeed been more diffused
& a general attention to learning has indeed been more
universal but still & I am sure knowledge has since that time

become every day more rare The most valuable productions
which have contributed most to the good of mankind have
brought no profit to their authors Hence indeed speakers of
good Books are sometimes even money to the Booksellers
but he seems to have had no idea of this

"Nec

"Nec it more transit

Learning has indeed been very little improved since
it became a trade Mr. Wallair indeed realized a fortune
of more than 5000[£]

tricks which he used in getting them off & his
buying great sums from persons of distinction in different
countries by way of subscription for his Books which how-
ever he never furnished but left the subscribers to buy them
when they pleased The favors that he received from sundry
Princes & Courts contributed greatly to the increase of his for-
tune Court to addition of the Caspers & other ancient

Holland
France & the Republic of Venice of Learning should
ever come to prevail in this country the business of print-
ing & Bookselling might come to be of considerable

which it would afford to an ingenious & laborious mind
to furnish the inhabitants of this wide extended country

They can maintain so the cost of a commodity may be regulated by the numbers of time employed in producing them. The wealth of any country is in the compound matter of its natural advantages, the industry of its inhabitants & the profits of trade but of these the skill & industry of the inhabitants is of the far greatest importance because many countries which possess great natural

Spain & a great part of Italy as well as the whole of Greece are now very poor thinly inhabited & wretched though they were the genuine abodes of greatness & industry in former ages. Tyranny has generally been fatal to trade accordingly we find that Tyre Carthage & Rhodes when commerce flourished most in antiquity were free republics but prosperity must be soon lost if any nation dares to oppress its people.

The inhabitants need only to be excited for they will not refuse to labour when they know that they are labouring for themselves that their wages will be paid to them & that the fruits of their labour will neither be torn from them by a lawless despot nor by a bloodthirsty Banditti. The English Tradesmen generally have plentifully have great profits.

their own fault either they do sell them they get their
own price but they have no reason to fear that any body
will deprive them of what they have earned even those who are
much richer than their neighbours natural advantages are
goodness of climate fertility of soil & plenty of useful ma-
terials industry & skill comprehend all useful arts agri-
culture manufactures & all these measures Nature
has left room for art & industry & even in the richest
countries these are necessary to procure the supports & accom-
modations as well as the defence & ornaments of life
Pausanias tells us of an antient nation in Germany whom
he calls the Genni who had neither arts cattle nor
houses their whole pop. from men their bows & ar-
rows which they pointed with bone for want of iron
& they lived on wild game they had no other cover in
the woods & yet they valued themselves greatly on their
happenness liberty & independency & that they did no
work except hunting for their provisions "De creaturis
arbitrariis"

Dimitrios

per aliquasque fortunas, per nite que curari
Sunt adversus homines, sunt adversus Deos."
Such a people having no property had no reason
to dread an invasion & they enjoyed their beloved

But the historian who was an Equenian thought
that it was not even in the power of the Gods to make
them more civilized than they were already. It is very
proper for youth to consider the state of such nations as
those that they may learn to value art & civilization

recommends the reading of the history of Melbin for Chapeau
for the same.

Romanus extracted the ground work of it from
the papers of Alexander a Scotch Seaman belong-
ing to the of Commodore Rogers who was left by
accident 3 years on the Island of Juan Fernandez in S.
America

1744 he owned many Goats that
had ear marks & consequently

the comparison of the history of any one country upon the in-
troduction of the arts with the state of the same country of-
ter their introduction will likewise have a tendency

of Glasgow
which is now highly cultivated & commercial & contains much
more property than the whole of this state was inhabited then

It certainly by the Attitude a rule of Cannibals

the Shepherd rather than the flock In the same manner the country lately the abode of barbarous nations has begun to assume the appearance of civilization & to possess some of the productions of Art It ought to be the endeavor of every lover of his country to increase its products

The culture of the Arts a little more industry & unanimity a little more morality might give to Congress out of our difficulties by recovering some tolerable degree of character & America in a short time might become a rich happy country & possess a reputation as the among the Nations of the world -

Ed 16th April the 18th 1789 -

The profit of Trade is the profit either of the consumer of the produce of the merchant or of the state the profit of the Consumer consists in his being supplied with necessary or useful commodities the profit of the producer consists in the want of necessities the profit of the merchant consists in the balance remaining in his hands after he has paid costs & expenses the profit of the State consists in the increase of wealth or the accumulation of commodities in the possession of its members now no trade properly speaking ought to be encouraged which is not pro

plable in some tolerable degree to all these parties but if any kind
of Trade can contribute more to the profit of the merchant singly
it will be carried on however hurtful it may be to the other par-
ties because merchants will always import whatever they can
sell to advantage. now the hurt to the state in these cases
is done by the consumer of useless commodities whose customs alone
can encourage the merchant or make it his interest to import
them it appears indeed to be very ridiculous though we daily
see numberless instances of it that these people complain of
the importation of foreign luxuries who are themselves very guilty
of encouraging the importation of them in the most effectual man-
ner by buying & consuming them If men had only virtue & re-
solution enough to many in this country once to sign an
engagement of non importation & non consumption with regard to
all such articles as are known to be unnecessary & ruinous
they might then with some decency complain of the encourage-
ment that luxury meets with among us. Other times that
among industrious nations the loss that is sustained by the pub-
lic on one article may sometimes be balanced by a greater
gain made upon another thus England &c. imports many
articles from France Holland & the East-Indies that are use-
ful & hurtful to the public but the vast quantities of com-
modities which it exports to all the countries of Europe other-
wise to this country greatly overbalances the loss that is

justified upon the other articles & many even of these
which articles by being reexported are useful by common
duties of great utility but a country like this which
expends so few articles for exportation in comparison to
its imports cannot afford to deal in any superfluous com-
modities & ought not to expect that imports of this kind
can be balanced by profits on exportation because all our
articles of export as yet fall far short of being able to supply us
even with what may be accounted necessities but if we could
produce commodities in such plenty as to furnish ourselves
and produce a surplus for sending abroad the profit
in that case would be acquired to the producer when we pur-
chase foreign commodities we ought not only to consider the
original price of them but likewise that of Passage
Provisionage, Portage, commission, insurance, Duties,
Freight, & sometimes duties, the profits of the Merchant, & the
profits of the retailer for all these latter must necessarily be
added to the original price & it has been demonstrated by
the calculation of intelligent Merchants in this country that
the sum of all these additions to the original price amount
to a great proportion of the whole & at the least to 25
per Cent. even with respect to the least bulky commodities
from this it is quite certain that goods manufactured in this
country must necessarily bring 25 per Cent more profit
to the Domestic Manufacturer than goods sold at the same

one from abroad could do to the merchants because none of
these charges are added to their own which are necessarily
included in the price of the others. The principles of Commerce
are exceeding plain & obvious in themselves they demand only
attention & calculation. A maxim made evident to the very
meanest capacities. It is a melancholy operation that the
people of this State have advised themselves to great power-
ly both with respect to property & credit not from ignorance
of subtle maxims or want of acquaintance with the
mysteries of Commerce & Politics but from an excessive
false want of attention to the plain & simple rules of Arith-
metick & common sense that certainly might have been an
obscure to them as to any others among mankind. It may
perhaps surprise the inhabitants of this Country to be told
for certain that were since their independency by their
own choice they pay or rather they owe more money paid
a much greater proportion of the British Taxes than Lord
Dorset who ever have demanded of us by means of the ex-
traordinary encouragement which they have given to the
Trade & manufactures of England to their own hurt. It is
somewhat melancholy to reflect that a people may some-
times be more hurt by being left to themselves &
their own unjudicious conduct than by being at the will
of their enemies for surely the English merchants &c.

Traders must charge the consumer which

on this
expectation so that we as the consumers of these com-
modities are the people who really pay these duties now
we do not pay by any means that they ought not to be
paid because they have been so deeply & thoughtlessly
incurred far to push a thought from every person of honor
& virtue but we only say that we ought not to have un-
der taken to pay so vast a proportion of the British taxes
by purchasing so enormous a quantity of these commodities
Men who practice frugality & uprightness in their fami-
ly & private transactions do not need to be told what are
the principles of rational commerce because every man
of sense knows them already & daily practices them
in his transactions with his neighbours by buying no
more than he needs by paying for all that he buys &
by using as little as possible of what is imported from abroad
& by living always within his income now these few
maxims which are obvious to the meanest understanding
might have been a vast mine of wealth to this coun-
try if the citizens had only been wise enough to have ob-
served them & as they are so very plain the neglect of
them cannot be attributed to ignorance but to gross
indifference & thoughtlessness or deliberate per-

proof of injustice. All articles of Trade which ought to be
encouraged ought to be equally profitable both to the
exporter & the importer of you because a trade that
is hurtful to other nations is not likely to be long con-
tinued & a trade that is hurtful to ourselves ought
neither to be permitted nor encouraged but on the contrary
ought to be charged with such heavy duties as might
be equal to a prohibition with respect to all articles that
can be produced by our own industry. The state is profited
by every kind of Trade which is able to bear light du-
ties without being hurtful either to the purchasers or con-
sumers when gain is accumulating to the members
of the state. The state may be truly said to be a
gainer because the wealth of the citizen is the nation-
al resource of the state & the property of the citizen is
dependent by means of good government is that which
must pay for its own defence but the frugality & virtue
of the citizen & the accumulation of their property by
that means is the greatest of all national resources &
to us would be equal to the profit of a most gainful trade
"magnum utique est parsimonia" without this re-
source even all the industry of the inhabitants of
Holland would never have been able to have suppor-

led them farther to have raised them to that Emi-
nence of wealth

Relations Commerce by accomodating all
parties with what they want in exchange for what they
can spare enables & encourages them to increase their
produce for an profit is the only ind. of labour the pro-
ble prospect of profit must be the chief encouragement
to it & as a labourer knows that his work can be
sold to advantage either at home or in a distant coun-
try he will be equally encouraged to labour in both cases
without the assistance of commerce vast quantities of ma-
ny commodities would perish altogether & be quite useless
to the producers of them but articles that are produced in
great plenty will afford a surplus to be exported & those
articles that are scarce in any country may be sup-
plied from a distance & paid for by the surplus expor-
ted The effect of commerce is the diversion of the pro-
fits of nations equally by supplying every one with
the superfluous of every other & in this manner grows
the most general incitement to labour every where so

supplied themselves & many commodities are produced
that would have gone to waste & become entirely useless
with respect to the state commerce or either internal or
foreign Internal Commerce is the exchange of commodi-
ties between the subjects of the same state Foreign Com-
merce is the exchange of commodities between the sub-
jects of different states In states which possess

the ^{advantages} of a great industry the internal
commerce is of much more consequence than the foreign com-
merce because the magnitude of foreign commerce always
determines in the same proportion as the territory of the
state is extended Thus China is a large commercial
country & before it was discovered by the Europeans
took in nothing at all from foreigners but subsisted wholly
& indeed plentifully on the products of internal commerce
together with that industry for which that nation has
always been remarkable They know only Siam to
the west of them & Japan on the East & thus occupies
of the world before the arrival of Europeans among
them contained only these countries at present they only
buy a little hand ware clockwork & silver plate from
the nations of Europe but their internal Commerce

is so considerable & its returns so quick & numerous that
in many places of that Country a man may
profit at each time

because the country is cut by canals & navigable rivers
& as many people are supported above on the water as on
the land though there are numerous & populous
beyond every thing in Europe the United States possess by the
United States contain almost as great a variety of soil
& climate as China & with equal industry might
reap almost as many conveniences

their several products
of they wd. give over their selfish jealous & political
squabbles & exchange the unproductive business of making
laws & constitutions for a rational care of their true &
proper interests their numerous rivers & bays might then
be of immense consequence to them & foreign trade might
become comparatively a small object but their unhappy

fraud & animosity as they have occasioned have
not only hurt their Union but their property & interest to
an amazing degree & prevented many improvements & ac-
quisitions of property that might have been made already
It is exceedingly lamentable to observe that a navigable

1
was given up because it joined two states & each of them
was afraid that it would have been for the benefit of the
other now while the minds of men are in this situa-
tion they only fear, rather of Union as they are not
capable of it but appear rather to have a spirit of Rep-
robity to each others interests Commerce between dif-
ferent nations may be considered either in respect to
the balance in gold or to the balance of value

difference what a surplus has remain due by the one
nation to the other after appropiating the whole of the goods
that have passed in exchange between them but the bal-
ance of value is the difference of real utility on the
whole goods that was passed in exchange the profits
of foreign commerce ought to be determined by the
balance of value & not by the balance of Price
in some particular instances - the nation that has
the balance of gold against it may have the
balance of

of despoil or expunging its lands or ex-
tending its trade or other national advantage in
exchange for articles of luxury or matters of mere

accommodations ornament In general foreign Trade

that is when
the balance is in our favour but it may sometimes likewise
be necessary even when it is not profitable because the
rules of public as well as of private economy permit
the purchase of necessaries even at high prices when this
can be compensated either by exportation or nonconsump-
tion of superfluous. The error only lies in continuing
a foreign trade when it is not necessary & while the bal-
ance of value or price is against us for if we it is pro-
per that in any case we should give more than
its value for any thing whatsoever it must be only
for necessaries. Thus those nations who import from
purchase grain or other articles of provision from other
nations may be said to be gainers by having
their wants supplied tho' the balance of Price may
be against them but in seasons of ordinary fertility it
would be quite unprofitable & contrary to the inter-
est of the agriculture of these nations to import
grain or provisions at any price however low these
nations which have little or no grain such as
Siberia of old Holland & Norway & the West-Indies

may enable them to import grain especially from other countries the Dutch import such quantities of grain as not only to supply themselves but likewise to have a great stock always on hand for exportation to any place when it is wanted. The fish oil & wood of Norway together with the industry of the people & their national frugality will enable them to import grain from Poland & the North of Germany but those countries whose staple articles of export is grain must always be poor unless they have a stated market to which they can send their goods by being in commerce with some nation or country where no grain is produced but when this is not the case their profit at best must be irregular & temporary as well as generally small & if the market is at a great distance their profits must likewise be very uncertain & greatly lessened by the charges of exportation especially by

in produce & the cost of exportation. It is a great loss indeed that the staple export of the middle states is grain when now that the West India islands are shut against us has so uncertain a market for a

market & no chance at all for an uniform & pro-
per one the more grain therefore that is raised in this
country the less always

c manufacturing

towns were enabled to consume our produce at home &
to furnish us with such goods in return as is or now
is at great disadvantage in foreign markets which is
giving a mighty advantage not only by the grain reu-
ed by the farmer but by saving the expenses on a
bulky commodity because in our export situation many

spend the third part of the value upon the land carri-
age of their produce which reduces their profits to a trifle
compared to nothing at all when they receive payment
in foreign goods & contribute to get the roads of com-
munication the nation that owes the balance of
Price in any foreign commerce will be obliged to part

because a Trade in which a constant balance
of Price is incurred such as our Trade with G^r. Britain
cannot be continued unless there be a continual sup-
ply of money flowing into this country
commodity produced in this coun

try

now the ballance of a continual Trade of this kind
must be continually increasing

~~the~~ Debt which this Country owes to England

at present but the general want of authority & order & the

incongruities at present among us it is compelled
however by foreign relations where we cannot but
draw amount from being known & must now have
wisdom to seek a firm & must give the greatest con-
cern & attention to every lover of justice & of his
Country

The internal Trade of a nation or the Transactions
of fellow citizens with one another for the supply of their mutual wants
requires such a quantity of money in circulation as may be
sufficient for arranging on these Transactions but if by the ad-
verse ballance of a foreign Trade in luxuries and such is regulated
at home & the money that ought to have been in circulation
is sent abroad in this case all these Transactions of citi-
zens with each other must either cease or be managed in

the manners of Barbar in the same manner in which they
were before the introduction of money now this would prove
ex - def unless a man could always
have a load wag or a drove of cattle along
with on the road

No blame the Merchants for paying y^r
foreign debts in money when they cannot pay them otherwise
for want of marketable Articles or exportable produce. Those
of them only ought to be blamed & punished too if any
law for that purpose could be obtained who villainously defraud
their creditors & either make no payment at all or else such
corrupted as an an insult on all just
law & commercial honesty. The practice of these disreputable
who buy foreign goods upon Credit & then sell them at vendue
taking gross profit ought to be treated with the utmost severity
& a severe law because those who sell in this manner cannot
properly been expected to pay their debts, but merely to get
money into their hands in order to trade on certificates
or to convert it from their creditors by laying it out on lands
whether by a fraudulent & villainous law are protected from
the claims of foreign creditors. If such practices as
these are not quickly stopped & publicly executed

trusting in a common trade must become impracticable
as there will be no possibility of resisting shameful & unbecoming
when it can
effect in legal grounds Queen Elizabeth

What she could do one
thing more than God Almighty & being assured what that was
she suspected that she could satisfy the inequality by a law which
indeed she could do with ease as the Privileges of Parliament
& the liberties of the people of England were a man's trade
in her reign but it is not to be supposed that such practices
are confined to absolute sovereigns in the company we see daily
that ignorant & unwise men when they find
themselves by the folly of the laws created with the capacity of
legislation & the power of absolute power are as ready to abuse
it to the purposes of injustice as the most absolute sovereign
that we read of in history The produce of lands is a
continual & may be made to a certain degree an increasing
supply but the profit of land depends entirely on its culti-
vation & the sale of its produce for if land is either not cultivated
or cannot be cultivated unless at an expense greater than its
produce it is of no value at all if when it is cultivated its
produce cannot be conveyed to a market or sold to advantage

it must be huffed instead of being grateful to the proprietor
the business of speculating upon barren land or buying.

is only a species
of gaming under the masquerade of Trade & greatly huffed to
the selling of a new country because as the seller does not
draw from the state but from the pocket the money must come up
from one pocket that he must either give up hope of selling

and to himself or to the public for one generation at
least on account of the immediate price that he engages to pay
to the seller now this may be properly called immoderate toll
or respect to the slender abilities of the seller & likewise in
respect to the title of the seller who has not been the benefi-
ciary of the sale & who has no relation to it whatsoever except that
imaginary one which may be provided by a rough draft up
on paper or a little writing upon Parchment lest if bar-
ren land were to be sold

supposed if it was not sold in 3 years
the interest of the seller might in some measure be united to
the interest of the public as the seller by this means would
not have the seller entirely in his power but fearing his
Patent should expire if no other seller offered he might be
induced to accommodate the seller at a reasonable price

mode of transmuting & securing landed property might have
easily been established in a new country especially after it has
been emancipated from foreign jurisdiction

System of laws & a num-
ber of such contrivances as might tend to the interest of the people are
in power but the acts of bad men sometimes at last grow hurtful
even to themselves if the jobbers were stopped as they ought to be
by law we mean by the execution of the law as such a law

be looked by their goods lying upon their hands or by the spirit of
Emigration taking a different turn from what they expected or the loss
of a commutability of goods & an equality of property amongst them
of all their acquisitions no man indeed ought to be hindered from
purchasing as much land as he can pay for or as much as he
can settle & possess for the benefit of the public but the waste
lands of the State being a national use ought not to
have been

who under the present wretched system enjoy almost all the profit
arising from the sale of them but to be disposed of solely for the public
benefit of the state the produce of mines or the importation of money
may likewise be continual & metals may be upon the staple ex-
port of some countries accordingly Sweden possesses in a great
degree by the export of iron & copper & the Spanish Netherlands
may be said to have gold & silver for their staple export

as the means of these metals though liable to decay & capable
of being exhausted are notwithstanding still deferred
in such manner one after another in the countries where
they are found that when one is exhausted another is immor-
tally found

" Uno ab.

"

metallis

And altho the working of these mines by slaves is painful
& expensive & tho 1/3 part of their produce which is paid to the King
of the mines the working of the Ore in some of them & the
discovery of mines of quicksilver in the same country enables
the adventurers to continue the trade & to make regular
communications to Europe it may indeed be reckoned truly sur-
prising if the celebrated gold mines of Andalusia which were
the Prize of the Syrians Romans & Carthaginians are
now entirely lost but indeed it would be still more sur-
prising if they had been found because in reality they have
never been sought for. The Spanish Court observes a beaten
tract from which it is not to be moved

misfugit

It would be dangerous for any other nation to adopt the
same maxim not having the same resources now al-

though

United States it is by no means certain that they are without them but if natural philosophy & chemistry were carefully cultivated among us & if the land were in the hands of enlightened & industrious proprietors it is, undoubtedly of far more value both to the public & to the owners than it is at present if the Indians when searching for cattle on the hill of Cotochi had not accidentally discovered the bed of silver ore that adjoined to the turquoise he tore up it would have been an unsuccess whether Peru had contained any minerals on this country

perhaps as there abounds in many places & as lead which always contains a small quantity of silver & said to have been discovered on some part of this State this country cannot be said to be destitute of mineral resources & how far or to what degree they are improvable can be known only by experienced nations who carry on any part of their internal trade by bill of credit and proportionally less supplies of money the use of bills of credit in circulation tends to extend credit but this is either useful or pernicious according to the use that is made of it it is useful to an industrious & frugal people but it is pernicious to the indolent the

though Mr. Jeant-Thrift

The use to be derived from circulating Bills depends on the Credit of the acceptors & credit depends solely on the confidence which the citizens have in the honesty of one another

well founded Bills of Credit may be paid to any extent that they are demanded because an honest man will never borrow what he knows that he cannot pay many Branches of Trade & manufacture may be carried on by this means that cannot be undertaken otherwise but if the citizens have no confidence in the honesty of each other they must trust at an enormous expense or else on the expectation of recovering by law all paper circulation must be useless at such a time & on just a parity because the consequence of its being paid must be a great certain loss to many poor innocent individuals. State paper money is a device

As this

has never yet been fortunate in this case the signers & acceptors of Bills are by no means on a level

for them & the State being Sovereign may either pay them or not as they choose & they cannot be sued at law though they should declare themselves bankrupt immediately after receiving

to a considerable degree by State paper money as jointly
it cannot be denied & on this compels the State to
make payment of them which cannot be denied likewise
then it must be

State money any more Degradation of State Bills what
ever colour may be put upon it is but another name for
cheating & neither the person who signs on the deprecia-
tion nor the signature of the Bill which is supposed to depre-
ciate can in the nature of things be honest men but
the person who loses by it may be honest & generally
is so because that Frauds are commonly apprehended of
the Schemes of one another & later can be sure them-
selves in turn If in form of the State Paper money paper
equal to gold & silver it must certainly be a maxim
in these States that both the State & private persons
ought to pay their debt without cheate shuffling or
demonstration If any number of Citizens can have confidence
in one another they may assist each other so far as that
confidence extends but it must be entirely ruinous to ex-
tend Credit to those who are not to be trusted in a State
of this kind Credit can exist no longer because it must

always be in proportion to the belief that men have
of the honesty of one another no artificial adequate
remedy can be devised for a want of confidence because
there cannot possibly be any substitute for honesty in
the nature of things the ability of men to pay is
found to be frequently at all a mortgage may
be a full & uncertain security in some cases & surely
in this situation therefore being incapable of cure must
ful the want of mutual confidence for some time
& for some will suffer very great inconveniences unless
they are convinced that honesty is the best policy the
expense of remitting money from one country to ano-
ther
must most money must pay this expense

So as to make profit by it it does
not follow from the state of exchange that a nation is either
gainer or loser by trade but money that is sent away to pay
debt cannot be said to be sent for profit & therefore the ex-
change in this case does not forestain a losing trade on the
part of that nation which is obliged to remit the money dis-
bursing or diminishing or all counterbalancing the current coin
is high unless in England but in this country on the

have a premium equal to the difference of its original value
from that to which they sink it & a clipper of this kind
may either obtain the same premium for as much more
of the same money as he pleases or he may even sacrifice his
Premium by a further depreciation but if real money were
dealt with as it is now it would be totally unfit to be a sign
of value for an arbitrary Premium indeed when in great want
have denominated the value of their coins by proclamation

for instance Lewis the 14th & the late King of Prussia
both had something of this kind but it was reserved for
the Congress of 13 past state to commit the most extensive
fraud that is extant in the records of the rae-nummaria
Extremes naturally run into one another & liberty has its
Paradoxes & its tyranny as well as despotism

of these men
who abuse the name yet the Bulls of private persons who
are honest will continue to pass even amidst the wrath of
public & private credit a great price.

neither foreign nor domestic Trade can flourish where credit
is extinct & one can have no confidence in each other
such a case indeed has seldom or never occurred in the

history of mankind so that it is impossible to say
with certainty how many will it may certainly is unjust

Lecture 70th April the 14th 1799.

The profits of Trade are either mutual or parti-
mutual in so far as commerce accommodates all parties with what
they want in exchange for what they can spare & enables every party
to improve his peculiar materials & to pursue his peculiar art &
to have a greater return to the merchant & carrier an adequate reward
for their trouble commerce considers all mankind as one family & all
the world as that estate & inheritance so that it unites in
every country where it prevails the advantages & commodities
of every country on the globe wherever any thing is produced
in abundance commerce conveys it when it is needed & whenever
any thing is wanting it can supply it by connecting different
nations in interest it unites the distant Parts of human
Society & has contributed much to the diffusion of Knowledge
& of the Arts of civilization By discovering the mutual inter-
ests of men it unites the selfish & social affections & engages
men to do good to one another even when they seek only
their own profit The dangers & hardships attending long
antient navigation & the rarity of correspondence by Sea
rendered the profits of Trade very great in early ages & the

Tyrians who were the first Navigators by buying their own
ports monopolized to themselves the commerce of Tin from
the Lillly Islands

as well as the rich
mines of Andalusia The Carthaginians who were a Colony of
Tyrians followed the Strait of their Country men & became
the first trading nation in the world after the destruction of
Tyre by Alexander The Argonautic expeditions

to have been a real
transaction though the true nature of it is much obscured by fa-
ble some are of opinion that the Golden fleece was only a mystical
hunt & means a pretext for making gods others again imagine
that it meant only an excellent breed of sheep which the Argonauts
wanted to grow in other countries it to have been a method of gather-
ing gold dust which Colchians

of the Phaeacian Phaeac before the great
reins which when afterwards taken out seemed to be of gold by
the number of Particles of that metal which adhered to them
The Bull which had brazen hoofs & which breathed fire from their
nostrils as when the wretched Dragon appears to have been
men protect fragments expressive of the manifest Perils & terrors
of that expedition as the other fabulous circumstances which are
reported concerning the Gods of the Hesiodic expressed allegori-
cally the great difficulties attending the Navigation to the
western coast of Africa It is probable that the ancient
Greece & the Phoenicians invented & found these frightful

Men both from a view of selling their own goods & their
wife for deterring them from dividing their profit by following
their Trust after the Early navigators had vanquished their first
terrors & were able to perform the dreaded operation of doubling
a headland or crossing a Bay they became gradually more expert
& adventurous though they did not boast of their courage so much
as they did at first. The knowledge of letters & arts was
communicated by the means of Commerce to all the Nations
that border on the Mediterranean Sea. The red sea was chiefly
navigated on very early times & the expedition of the Fleet of
Solomon & long afterwards that of Hambrogh seemed to con-
firm the ancient Eastern tradition that the Isle of Seilon was
full of Gold mines tho' those believe Sumatra to have been
the real —

Nations that were joined by the first navigators could
thence to warlike expeditions & war as well as commerce has con-
tributed much to enlarge mankind Barbarous nations could not
at first comprehend the growth of commerce & what they chiefly
gained by it was knowledge of the Ship the letters the arms
& the arts of Strangers & served to excite their jealousy &
taught them by degree to improve the advantages of their
respective countries. In modern times Trade has been
frequently connected with conquest & grows on now

much more jealous of advantage in Trade than they
were formerly of Honor

Instead
of working Barbarians by conquest or emulation of the
Antients the moderns have generally endeavored to
exterminate or enslave them that appears to be a sort
of grandeur in all the undertakings & even in the
very view of the Antients

contemptible in comparison with

they, "*Terra male hominum nunc generat atque populos.*"
The Antients

of Soul to defend to the minutiae &
means of the Slave Trade which is now almost monopolized
by a nation which boasts with some justice of being the freest
nation in the world. It would be hardly to disgrace a nation
among the Antients barbarous & mean enough to have been
guilty of such

Mexico & Peru perhaps some of the inhabitants of
this State may in future become as the instruments of
Providence destined to avenge the misfortune of the Mexicans &
Peruvians upon the defendants of their murderers

near 200 years

The commerce which is mutually beneficial that party gains
most who receives the most useful commodity or who receives the
produce of much land & time & labour in exchange for the

produce of life & who in conducting his Trade is employ-
ed in the most healthful & least corrupting occupations
In many cases it is hard to say which nation gains most
by a mutual Trade This indeed has such a tendency to
enrich both Parties that Grotius is of opinion that a refusal
of Trade is a just cause of war with any Nation as
standing directly in the way of the improvement & enter-
prise of mankind but those who may be said to
gain most who are not enervated & corrupted by the
articles which they import the importation of Gold &
Silver has degraded the strength & Nation of their An-
cient valour & activity to a very great degree into reeling
or jointing liquors an luxury a source of Trade that
is not to be excused & those nations who sell useful articles
to the Europeans in exchange for Tobacco

the Sea-basin

supplied not without great reason to have contributed to
enervate the nations of Europe & to have occasioned all
those Tribes of various disorders that were utterly unknown
to the Ancients the Venereal Disease which the Spa-
niards imported into Europe from the West Indies was the
most unfortunate return of commerce that we any
where read of & has now spread itself with the virus of
men into almost every part of the known world

have found it among the savage tribes the small pox
was likewise an unfortunate importation occasioned by com-
merce but authors are much divided as to the place of its
origin some affirming that it came from africa & others from
arabia the Plague likewise has been an article of commerce
& by the laws of all the Trading nations in the mediterranean
all ships from the Levant are bound to ride Quarantine to
prevent the importation of that contagious & incommmodity but
the virus of Europe which have taken root in asia & America
may be said to be the most unprofitable of all the effects of
commerce the first settlement of this Country was begun partly
with a view to commerce & partly for the propagation of the
Christian religion but neither of these ends appear to have been
much attended to although Pope Alexander the 6th by a
Solemn

Donation to the crown of Spain upon condition
of their propagating the Xth faith
this way than any others especially
since include the laborers of the subjects finding valuable medicines
which are produced in the East-Indies are the only useful article which
the Europeans have to compensate for the mantles, Quags & Vellos
which are imported from the same Country with regard to some
particular countries it has been considered as a Problem whether

they have gained or lost by becoming acquainted with
commerce

strongly in the negative. The same may be
said with full certainty of the inhabitants of Africa & India
to say nothing of the Mexicans & Peruvians. The profit of trade
is said to be partial when things of value are exchanged for
things of no value as in general of the instances already men-
tioned. The following are the general laws of commerce which
are founded on the preceding considerations. First that where
profits are mutual commerce ought not to be restrained
by either Party. The Princes of this world seem inclined to con-
sider commerce as a
to restrain it at their plea-
sure

Thus West India Islands in order to confine the profits of that
trade to their own subjects & charge from an apprehension
that the spirit of revolt might be kindled in the Islands
by the conversion of an independent people who were
once on the same condition as themselves which might
be very hazardous in case of any future war with France or
Spain since conquest & dominion have been so

left by nature has been greatly restrained by the jealousy
of Nations it was the jealousy & selfishness of the Dutch that
spelt the Navigation of the Scheldt

James treaty of Munster. In like man-
ner the jealousy of the Bourgeois of Antwerp as
of the Vistula to the subjects of
Prussia & the same large principle has envenomed the Court of
Spain to shut the Mississippi against the inhabitants of
those states. The prohibition of many French articles in England
& almost of all the manufactures of England in France arise
from a like principle which now seems to be overcome in a
great measure by the liberal spirit of the two nations as
persons common depends entirely upon treaties which are
dictated by views of personal interest & explained & executed
according to the pleasure of that Party which has the qual-
ity of power. The Law of Trade is that it terminates in
giving away the means of accommodation & self pleasure
in exchange for men ornament & A may lawfully refrain
ed by the losing party. But the laws of Trade in old times
have become greatly subject to those of Policy Nations have
considered
of a Trade & in all their laws & regulations of
Trade have shown a much greater anxiety for preferring

The dominion of their Colonies than for promoting the in-
terest of their subjects. The most common

a duty as equal to a contribution but
either this or a positive interdiction may be easily got
over by those who enter on a contraband trade & who
depend only upon the indulgence of the subjects to the
authorities they respect. The 3^d law is that monopo-
lies are pernicious to commerce & inconsistent with respect to
the great interests of mankind but this too has been
much altered & often departed from by the policy of Prince
Queen Elizabeth
company ^{only for} a limited time a monopoly was

that Company have enabled
them to find means for continuing their Charles doesn't
the present times. The French & Dutch have adopted
the same policy & an opinion has been prevailed among
States men that a trade to very distant countries was
better in the hands of exclusive companies than of private per-
sons. The English & Dutch East India companies have
now become great Asiatic powers though feeble in
their own country & their governors live with the splendor
of Eastern princes
by rapacity & the growing influence of them in
that country has now rendered it probable that these

can not keep all their possessions in Asia Monopolies within
a Nation are still more pernicious than monopolies of foreign
Commodities. The unfortunate King Charles the 1st was very
fond of monopolies at least of the money that he got from the
purchase of them & that almost every article of life was mo-
nopolized in his time

are all the internal monopolies that are
now permitted in England. The practice of speculation or mer-
chantile gaming with a view to engross particular articles has
not only introduced the pernicious trade in stocks but even many
necessaries of life have been reduced to a monopoly
by the secret practice of a few merchants who proposed to
make a sudden fortune by a great rise in the price.

Lecture 7th April the 14th. 1709—

The 4th Cause of Commerce is that the state of
a nations wealth

is not copious granaries or warehouses at any particular
time but from the fertility of its lands & from the number & fruga-
lity of industry & skill of its inhabitants accumulation or increase
of property is the object of industry & commerce. In ancient times
whether from greater frugality or from higher profits of Trade

or perhaps from a neglect of the practice of putting out mo-
ney to entice both states & private persons after expending
considerable treasures & hoards of money or other precious
commodities which were reserved for the service of great em-
ergencies & ornaments of elevated rank. Such State pomp
their furniture & habitations were likewise used for the same pur-
pose by the constitution & establishment of most Nations pub-
lic. The treasures were deemed necessary for furnishing the ex-
pense of sudden wars but these being abused or squandered
by without a single penny to the hurt of the public & the
taste for extravagance daily increasing treasures have
been found to be unattainable as well as unnecessary & un-
profitable. Julius Caesar robbed the public treasure that was
kept in the temple of jupiter & set up notwithstanding
some zealous defenders of the rights & liberties of the people
who not only believed him & continued him in his com-
mand contrary to the constitution of the laws of Rome
but also assisted him in destroying the freedom of his
country. The treasure that was amassed by the crown
of England from the suppression of a ^{war} were all
squandered in a little time & England has had no
treasure since except in name but since the reduction

in 1693 a public transfer of a great proportion of the
loan established in England we mean a transfer of public
debt which however the government have found means of
sifting by the credulity of the people to pass in circulation
at just rates as the

the transfer or variation of these imaginary sums might
real money has been left & gained by stockholders. The
example of England has been followed by the republic of
Holland as well as by France & the United States with
what success time will show the English connived
at the alienation of the royal Domain for the purpose
in order to make their finances dependant on the Parliament
even for their subsistence & to render frequent Parliaments
necessary lest neither they nor their Prince before King
William seem to have understood that the most effectual
way of governing England was by

& not by discouraging the meeting of these assemblies as
the genius of the house of Stuart uniformly did. Treasurers
have been thought useful by some Politicians that rather
than their opinion be well founded or not debts are certainly
an unprofitable war when transformed into circulating coin
a Public gaming Hall kept by a nation must tend to
corrupt the morals of the subjects & occasion frauds &

Bankruptcies as well as encourage luxury & discourage
industry when a nation comes out of debt we may begin
to compute its riches; but till its debt is paid it cannot
be truly said to have any. The same observation is like-
wise applicable to private men whatever apparatus they
assume & in whatever luxury they live till their debts
are paid they are worth nothing. The indefinite transfer
of public debt is an invention of modern times but
does not promise much advantage to the public & is
constantly exposing such a convulsions for future may
perhaps be as just as no man can form an
adequate notion of for as soon as the bubble of public
credit shall burst what it may do at any time by
the mere breath of the people & when it shall appear
that a nation is insolvent & that it must come to
begging from a state of great affluence & the loss
sustained by such a convulsion would be far more
deadly & general than the most destructive & suc-
cessful war. The only defence which these nations which
are indebted have against such a convulsion is merely
a faint hope that it will not happen in their time
to sometimes or others however it must be feared &

It is great cruelty & want of kindness to positively
to be providing such a fatal portion for them. To be
out of debt is the foundation of all public & private pro-
perty & is the basis of wealth before that is taking only
of what belongs to others although a nation therefore have
no hoards of coin or valuable property within the hands
of the public or of private persons yet its lands are well
cultivated & its people industrious increasing & well employ-
ed in the practice of the useful arts & free from domestic
or foreign debt it may be truly said to be free & the
not rich yet in a thriving condition because the property
of such a state would soon increase. Public economy
& national reform are not only necessary for the happi-
ness of each individual but for the security & emolument
of the Body Politic which must be kept in order &
defended by a revenue arising out of private property. This
constitutes the 3^d part of public economy to the consideration
of which we now proceed that part of the national wealth
which is allotted for the purposes of the state is called
the public revenue & this may arise from domains or
unappropriated subjects or from taxes. The mode of sup-
plying government by the product of lands was the only

purpose of revenue known in such age & was suited
to that sudden exigency of the

and said to have adopted this method

In the division of lands they always reserved a
portion for the public in every small district or Parish which
was cultivated for the benefit of the State by the labour of the
district & the produce of which discharges all public expenses
but the mode of supporting government by Taxes is better
suited to the industry & skill of commercial Nations now
It is not the interest of commercial nations that any
subject should remain unappropriated because while
it remains so it is commonly neglected & a step to the
public accordingly the Royal Forests & chases in En-
gland are mostly uncultivated yet the Royal tenants
have made many farms & enclosures in sundry parts of them
& these have been of late much increased for the purpose

of settling the land with the more profitable to the public if they
were cultivated as private estates. The common or unappropriated
portions of land used to be found till lately in every parish
in England & were reserved as reserves for the poor & help
to population & not for the support of government yet they pro-
ved to be of very signal use to it for the villages that arose
out of these commons the inhabitants of which were supported
out of them produced a hardy people which multiplied again

• As chiefly to their exertions in agriculture & manufactures
• Common that England is indebted for its wealth & great-
ness many great trading towns have sprung up & are the seat
of these villages while sundry ancient towns have decayed
& come to nothing & that the English government have
appropriated that common by dividing them among
the rich proprietors of the land or their neighbours hold that

• destroyed one of its most important national re-
sources Dr. Goldsmith depicted village

present age contains a pathetic
lamentation of the decay occasioned by this falling as ap-
pear from the press a few years ago I have counted
in the works of the House of Commons for 1 day only draughts
of Bills for the appropriation or division of 35 Commons
in different parts of the Kingdom

hard to reduce the num-
bers & sufferance of the peasantry in England & consequently
to lessen their manufactures & diminish the same reason
policy has prevailed in Scotland though the poor were never
so much corrupted by the common than as they were in England
as mankind in wide ages are greatly averse to labour &
scarcely know any way of acquiring property except by arms
There have been generally odium at first & without so
many badges of Slavery there in the feudal Kingdoms
military farmers supplied the place of Vassals the vassals

armed themselves & served at their own expense com-
monly from the time that their grain was sown to the ap-
proach of harvest & this was all the subjection that
they knew call the tax that they paid or could pay their
things like their Barons lived on their own lands
Revenue arising from taxation may increase together with
with the number the wealth & frugality of the people
The increase of property by buying & selling puts it in the power
of the subjects to pay a multiplicity of taxes on
possessions

Just as lands cattle carriage & servants are certainly
just necessary & for some time must be the only taxes
that the people of a new country can pay unless they
are engaged in commerce which will furnish an addi-
tional resource but when their property is increased & they
are able to buy foreign

necessaries in judging of the absolute
or comparative expediency of different kinds of Taxes the
following positions may be admitted as axioms the 1st
that the Public exigencies of the state must be provided
for at any hazard or expense to the subject this is the
maxim of reason & of equity. "Salus populi suprema"

lex esto" The principle of

government & how our ignorant men may dignify it with
the name of liberty is worthy of the most severe govern-
ment at the very least such people ought to be deprived
of the protection & invalidity of that state which they refuse
to support those who are charged by the constitution with
the care of the state must judge of its necessity what
is necessary for its preservation ought to be raised
by the unrelenting force of compulsory law but if the law
is not strong enough to raise a revenue for its own support
it must soon come to an end & all order & obedience
must cease altogether methods of misdirection & patience
have often been tried too far & in the end must
prove ruinous either to the person intended to be
benefited by them or to the state which must lose that
revenue which has been rendered unattainable by

unmercenary delay to men who refuse to do their
duty or submit to the laws made by their own rep-
resentatives. The floor operation of compulsory laws
on the only mode of reasoning that ought to be em-
ployed 2^dly It may be admitted as an axiom that
in levying Taxes no subject should be unmercifully
burdened as it is necessary that a Tax should be
productive enough to be laid on such articles as
will certainly be used but the necessities of life & the
last resources of the poor ought always to be kept un-
touch'd & protected In Holland the very necessities
of life are the subjects of Taxation but as these are
nearly imported they are habitually considered as
subjects of commerce & that republic made a fewer
of Taxes which is not needed in any other govern-
ment The Dutch tax for consuming the

part of it lies about
14 feet below the surface of the ocean equality & propor-
tion should be sought for in all taxes though mathematical
exactness is not attainable Exemptions from taxes have
been often granted as favors by arbitrary princes either to
corporations families or individuals but they are
contrary to Equity men of property ought to be taxed in

545

is difficultly ascertained In England & France the estates
of the married men are altogether freed from taxation because
they are inseparable & cannot be difficultly ascertained The mar-
ried men only pay taxes on consumables together with
others but in Holland were the creditors of the State are
taxed in proportion to their claims because a debt of the
public is a subject that can be ascertained & as it yields
interest may be considered as a productive one The English
have hitherto constantly refused to tax their public funds in
order to allow foreigners to trust their money with them in
preference to other nations. By another article is that the free-
dom of the subject & that of his property & rights be not
impaired laws that interfere

& transactions of men
are immoral & infamous as well as impolitic as they
tend to destroy mutual confidence & hold up perpetual
temptations to villany & duplicity of the persons was
the famous stamp act & the act for extending the
jurisdiction of the Admiralty Court in this Country
The first of these multiplied all sentences conveyances &
legal securities if they wanted the stamp provided &
the last subjected men to be tried in one jurisdiction
for a crime committed in another & was held out to

England Revenue laws ought never to encroach upon
the security of the property of the subject nor on that
of their persons. The Bill a receipt tax in England con-
tain too strong temptations to villainy & trafficking as the
first of these enact that no bill shall be payable or
recoverable by a suit at law however justly due
that has not paid the stamp tax & that last that all
monies actually paid may be demanded over again
& made payable by law a fixed time unless the
payer took a stamped receipt at the time of Payment
when law which ought to be the guardian of morals
are rendered inimical to morality &

they certainly fall short of their
end & become greatly hurtful to society. There must
certainly be a great want of wisdom in the imposers
& contrivers of taxes when they are not able to find any
other means of rendering them productive except by
degrading the confidence of human society & offering
high premiums to those for devising others a method
might certainly be devised for levying every possible
tax without multiplying hardship & injustice which
are the most scandalous as well as the heaviest taxes

that can be laid on civil Society -

Lecture

It may be admitted

of this kind it may be wished the laws of England for the support
of the poor whereby every parishesman is obliged to pay a certain
indulging may be avoided
in eating & drink.

ing & at the same time many poor people who
endeavour to settle in their parishes lest they should become
burden some to it or some parishes the overseers must not be suffered
to let out

leave to the lowest officer that is to the person who shall un-
derstand to support them upon the smallest sum this undeter-
mined in order to make his bargain beneficial to himself & to
lessen the number of those whom he has promised to support settle out
the young children as apprentices till they are 21 years of age

the workhouse so that he

has very few remaining to maintain & the overseers who
as well as the undertakers are gainers by this do not squander their
great collections in what are very properly called charity feasts
It is somewhat surprising that all the regulations concerning the
poor that are established in England have been indifferently

adapted into the law of this Country so that the overscore of
Hornships

they do in England the law of Scotland imposes no tax for
the maintenance of the poor but they are supported by voluntary
contributions & charitable donations of private persons.

Orphan
For having supported him in his infancy such support the law
always supposes to have been given from charity & therefore
no return or reward can be exacted for it. It likewise allows of

for apprentices for
more than 7 years although the poor laws in England are not
intended for the support of government yet as they raise
a revenue which is reckoned equal to 2,000,000 £ in their
operation discourage settlement & industry by removing by
some these persons who cannot find sale that they shall not
be less than some for 13 years

at least being so for sale that they have
lately made a law to prevent some of the vexatious removals
of the poor that were occasioned

reform perhaps the custom as we know
not whether it is a law that prohibits in this Country of in-
denting servants from Europe for a number of years though
not intended for the support of Government may be con-

finds as an injudicious revenue law which tends by
its operation to check the sale of land and to
discourage popular improvement. It is certainly contrary to
natural justice & highly prejudicial to the settle-
ment of the Colonies as well as to the accommo-
dation of the Colonists. If the Colonists be obliged a poor
man to work hard for 5, 6, or sometimes 7 or more years
in return for a passage that does not cost 6 guineas & may
wonder had at the day in sending Port of Ireland for 4
this expense for a duty or prohibition.

Passengers & a duty of the most
odious kind a duty upon liberty whereby they are trans-
ferred by an involuntary contract after terms to hard &
unreasonable masters can be obliged to work for more than
5 or 6 times the value of their passage merely because
they were too poor to be able to pay at one time it is
not to be wondered that the people of this country are
so fearfully provided with servants & often obliged to put
up with bad ones as by the oppressive custom or regulation
they discourage all from coming that discourage
& most of those who come in this manner come with an express
resolution of running away from their masters at the first op-
portunity it was not permitted to transfer the services even

of a transported convict for more than 7 years but
must be quite impetuous now that they are at liberty
to make the same conditions or worse for innocent persons
that were formerly thought hard enough for transported
Criminals of a slave land in England from any part
of the world whatever he becomes a free man but when a
free man lands in America he immediately becomes a
slave & often for more than 7 years merely because
he was not provided of 4 or 5 guineas to pay his passage
If people were capable of refusing that population is
of themselves they

do not condemn such a act which is so inju-
dicial to themselves & so unjust to a number of poor
creatures whose only crime is the want of a little money
& a desire of living in America A great axiom with re-
gard to taxes is that those which are least felt
or grievances ought to be imposed The observation
must be variously applied at different times accord-
ing to the nation where the people have of grievances because
sometimes they may consider a tax as a grievance which
is in fact much less than another which they may pre-
fer to it but a wise legislator will not follow their own ideas
on this matter but let the people fairly have their choice

because if the Tax is actually paid to the collector it is a concern
stand in its favor that it is paid willingly & not considered as
a grievance. The late Lord Chatham lost the affections of the
people in England by a new

National Beverage of the people the endeavor
to him

The tax of Servant
The first tax in England was when imposed as great
grievance & alienated the affections of the people from the govern-
ment. It may indeed sometimes happen that a legislature may
have no choice in a matter of this kind as the people may some-
times be disposed to consider any tax however necessary & judi-
cious as a grievance. Thus perhaps it is impossible to devise any
tax at present in this country that would not be unpopular so
that members of the Leg^{is} have become un-
willing to assent unless they have previously consented to a tax
perhaps in no respect more excusable than any other tax
whatsoever but when a tax is once imposed it ought to be
levied if there was good reason for imposing it then must
be the same reason for levying it & we thought the reasons
for imposing had been of somewhat less weight than ought
to have determined the legislature still it ought to be levied
in order that the legislature may have it or thus power
to levy any other tax afterwards because of the people

one find it practicable to avoid the payment of one tax
they will more submit to another & need only a demagogue
to excite them to rebellion

scarcely any particulars in which raw &
ignorant legislatures are apt to err more grossly than in
matters of revenue not being possessed of that knowledge
of human nature which is necessary to guide them in this
matter when the power of raising revenue is once gone all
government is gone & however whatever power may be
left to put upon the tables when all taxes come to be
accounted quia non nulli will be paid & although the power
will then be in the people for want of revenue & order
there will be no power capable of acting for the pub-
lic good In speculation one would at first imagine
that what are called excise or indirect taxes or duties
imposed upon articles of foreign luxury would be the
most popular of all others in a free country as well
as most adapted to the genius of republican government
as these are entirely optional taxes of which every man
pays only as much or a little or he pleases & of which
he may pay none at all if he pleases they not being
the taxed articles yet we find to our great surprise that
such taxes are by no means popular among us &
have not been submitted to in any state except to a -

very small extent though no reason can be given why
they should not rather be imposed than any others An Excise
law has been passed in some of the States but it has been treat-
ed with contempt & indeed unproductive so that the next
law that shall be made ought to be entitled an exhortation
to the people & it can have no farther force after it is fairly
passed

of collecting them ought to be the for a multitude of
persons employed in collecting a sum of money which is some-
times much less than is sufficient to pay their own salaries
is a great defect in legislation yet in many govern-
ments

yearly salary for collecting a sum that was not even equal
to the half of it & some who have had a deputy have not
collected as much as paid was for his salary. The collectors of
the revenue of France amount in all to 250,000 men &
Dr Anderson has shown that in 6 Counties of Scotland where
custom houses are established there is not as much revenue collec-
ted as would be sufficient to pay the office

The Errors of other nations may be of excellent use to
us if we are willing to make a proper use of them Queen
Elizabeth was a very arbitrary Prince yet the whole a-
mount of the customs of England in her reign was not equal
to the sum that is annually paid for collecting them at present
Taxes that are laid on luxury & may be collected by a few of-

person of all others the most judicious hence Mr. Decker

• Domestic raise from the whole of
these Dominions Superfluous officers are to be avoided
but in large governments some of these are necessary
experience has shown that paid officers are much
better than occasional ones if collecting taxes is made
an office of burden it must often fall in the way of
the station upon men that are very unfit for it & often
times upon such as are unfit to be trusted. National
revenues runs too many affairs already of being a-
voided or diminished without the legislators adding
any more officers of this nature. The operation of
a revenue law ought to be impartial certain quick
& inflexible the method of farming articles of public
revenue to private persons appears from the experience
of these nations who have used it to be much more bur-
densome to the people than that of revenue officers but
in a new country where taxes are hard to collect &
where officers are never mind actually responsible

if any person or number of persons could be found
who were handy enough to undertake it after the wis-
dom of the state had taken in it one great convenience

any of this method yet could be put in practice
be that the Farmers of the Revenue would always be
made responsible whereas municipal collectors who are
chosen by the people & consequently their favorites either
cannot or will not be made responsible Taxes may
be applied to a general head capitation assessments
customs & duty Capitation is a Tax on the
person

on the rest as the method has yet been
devised of laying out or taxing of this kind in a just proportion
in France the Dytte which is a capitation Tax falls
upon the poorer sort only & on ancient Rome the poor
men & poorer sort of Citizens were called capite pence for
the same reason

but modern governments have never
thought of this as even these capitation Taxes are not gene-
ral & therefore cannot ascertain the number of the people
an act was once proposed in the Assembly of the State for
numbering the Citizens every 3 years

much useful in-
formation both to the legislature & to the public we w^d
then know with certainty how many members are sent
to the legislature by districts that pay no taxes or

need to know & believe whether the number of the people
is increasing

extended at the expense of the public as a re-
ward for having refused to pay their taxes. How many people
leave the state yearly or come into it a capitation tax
may sometimes be of

trying from
the rest any thing in proportion to what they ought to pay
for the support of government perhaps it is for this reason
that capitation is every where an unpopular tax &
has been commonly reckoned a symptom of despotism or
oppressive government. It has nothing humiliating
or oppressive in it. No pay for the preservation of our
rights, & safety & justly & reasonably when the poor
pay equally with the rich. The circumstance is so
far

because this is a public document that the life & safety
of the poor is reckoned to be as important to the
state as that of the rich. A capitation tax was raised
in England in the reign of the late King William
when the spirit of the Nation was at the height
but neither that nor the hearth money

never deficient in
their zeal for liberty capitation taxes have been

frequently imposed since the reign of Henry VIII
in England

Taxes were proposed of new taxing the people without imposing any tax at all. Some are of opinion that these proposals were overruled in order to conceal the decrease of the number of these people but only Dr Goldsmith has lately Mr. Price is decidedly of the opinion from the calculation he has made of the amount of the house Tax though the Data in that case are not quite decisive but England has so many inhabitants that an real citizens that of a capitation tax were agreed to there it would be very necessary to distinguish the naturalized

had been so contrived as to distinguish them carefully into classes & question etc ascertain the precise numbers so distinguished in every township country & district it would have given much useful information & might have led to very considerable improvements in political as well as domestic Economy This Country is perhaps as improvable as any in the known world if the people were possessed of a little

more knowledge &

granted as many do among us that
they were perfect from the beginning & that things
could not be better ordered than they are at present. It was
a quite contrary course of acting that rich England
took against immense wars by adopting whatever
was salutary & profitable.

by machinery
temporary experiments & by profiting by their own
errors as well as by those of other Nations that they
attained to their present State we must not imagine
that we have got every thing secure we have
got liberty as the utmost property as the most
mean

imagined but union & honesty
industry honesty & that wisdom which teaches to make
a proper use of every thing are absolutely necessary &
indispensable in order to render our liberty a real blessing
to us.

Lecture 17th. April the 14

a person is a Tax or makes & is proportioned to
the Estate. a perfect assessment may ^{be} ~~afford~~ equally
when property is very unequally distributed landed property being

most easily ascertained & valued is the most proper subject of
assessment. The property of land being supposed to be the most
original as well as the most permanent & productive must
have been the first duty of taxation in all nations. Taxes in
kind the proportion or actual production of the land
constituted the first taxes as well as the first rents being the
only things in the power of the proprietors. In the feudal times
the household & even the armies of Princes were supported by
contributions in kind furnished by their subjects. Land was
taxed in proportion to its annual produce estimated in money
which money must arise from the annual produce. In England
the Countess to the south of the Trent pay 4 shillings of land
tax out of every £, of yearly rent that is actually received by
the proprietors & when their rents increase their taxes increase in
proportion but the Countess to the north of the Trent & elsewhere all
the Welsh counties pay 4 shillings in the Pound not according
to the real rent but according to an assessment or valuation
made in the reign of King Charles the 2^d which circumstance
renders their land tax much more than that of the Southern
Counties all has often been urged in Parliament to equalize
this tax but it has hitherto been omitted as well on
account of the difficulty that it would occasion as from a
notion that the Southern Counties are much richer.

the other which in many cases is far from being true in
Scotland by the Act of the Union the whole
land tax of that Kingdom must amount only to £10,000 per
annum when England is taxed at 1^d per £. in proportion
whereas the sum thus ascertained is applied
on the whole landed property of the Kingdom not accord-
ing to the real rent but according to a valuation made in
the reign of Charles the 2^d which is said to be very unequal
because at that time the nations being unacquainted with
land tax many Possessors of land out of mere vanity cut
a view of appearing great men gave an estimate of the value of
their Estate
were more wisely estimated than at the real value which at that
time was very small so that these proprietors of Land who were
dispersed in the reign of Charles the 2^d were wise men or who have
bought Estates that were then in the possession of wise people

that kind were vain men now pay dearly for
their vanity they being loaded with more land tax than some
of their neighbors that have 10 times their income it may
be supposed to be hard in a new country that Citizens
should pay land tax in proportion to their improvements
but this is utterly unreasonable & of the people continue on

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as they have done hitherto or endeavour to oppose federal go-
vernments without which the imposing of such Taxes would
be nugatory & ineffectual Thus our Legislators must be obliged
to

we mean of taxes of any kind shall continue to be paid
The Manner in this Census calculated the whole property
as well as the number & yearly revenue of that citizens &
from this calculation & survey they ascertained their abi-
lity of paying Taxes & the famous survey of the lands of
England made by William the Conqueror & commonly

country a measure of the land would be deemed not
only inconvenient but impracticable & ruinous because the
value of each individual would thereby come to be discovered
which to many of those that are engaged in Trade might
have very serious & disagreeable consequences but all wise
the property may safely be made liable to assessment -
Every coach or other carriage in G. Britain pays 30^s
annually for each wheel for the support of government & every
house pays one shilling of old duty besides 5 per cent of
its yearly rent & a tax on windows in proportion to their num-
ber the middle class of which is about 1 shilling each window

• the highest of 20th sterling
Stage coaches pay a penny
for each mile & carriage that tra-
vels for that an hired to ride post
chaise pay a penny for each mile those who pay
fare horses ought to pay them cheerfully when they con-
sider the multitude of heavy burdens which other na-
tions bear without repining

System of borrowing & spending
but the condition of a people whose burdens are yearly in-
creasing must come at last to be quite intolerable unless
their ability to bear them could be made to increase in
the same proportion which is utterly impossible The stock
of the Merchant is continually fluctuating & any at-
tempt made to ascertain the extent of it would only give
occasion for frauds or improperly display the funds of Trade
Hence in England a Merchant whose Estate is in goods Bills
Shop Stock or annuities tho his fortune may be much
greater than that of any landed man in his neighbour-
hood

ascertained but by the Case of Scotland whereby a
part of the Land tax is applied on the trading interest
every merchant is obliged by Law to give in annually upon
oath to officers appointed for that purpose not indeed the

1
in order to ascertain his
proportion of that Part of the Land Tax which is a burden
on the trading interest. Whichever proposition is attempted or
sought for Equitable regular Taxation prevail.

method of
all taxes of what so ever kind should be cast into one &
exacted at once. This indeed wd produce ease & less expence
in collection but in order to ascertain the proportion of each
I would be surer that the citizens should be divided
into certain classes in imitation of the Romans & that each
individual should pay a determined sum according to the
class to which he belonged but even in this manner some
would pay much higher than others in proportion to their
real ability though indeed this method might make
men pay according to what they possessed but little
knowing they spent exceeding that their ability would be properly
ascertained & might charge undue value men to contribute more
to the public than otherwise they would have done by using
their interest to be ranked in a higher class but this me-
thod is by no means adapted to the circumstances of a
republic in a new country
of Persons generally odious. Cal

toms are taxes imposed on goods in common & advanced by the Merchant or Trader so as to form a part of national wealth it would be contrary to Equity if it did not pay a proportionate share of the public revenue & this can be ascertained only in two ways either by imposing a duty in proportion to the quantity or according to the price of the goods both these kinds of Taxation are indeed exposed to Frauds... These duties imposed ad valorem appear to be most difficult to evade in all States of Land in Holland the part of the goods goes to the State & in sundry parts of Spain the alcavala or 25 per cent duty on all goods sold is still exacted Customs imposed on the necessary of life are a tax on the poor & have all the inconvenient effects that are commonly attributed to capitation - None of the necessary of life are taxed in Great Britain excepted Candle. No tobacco or spirits & Beer from which however great sums are raised but these might be considerably reduced & made less or altogether free by charging higher rates in proportion to the quantities of each of these articles consumed by each individual in the same manner as the taxes imposed on windows &

such as would not be less than -

Some to the Poor

may win with regard to ordinary articles those who use an extraordinary quantity ought on Equity to be taxed in proportion to the quantity which they consume. The luxury of the Table might be a very proper object of Taxation as the art of modern Cookery contributes in many cases to the dissipation of extraordinary quantities of articles of grove & provision consequently to exhaust their price Mr. Hylly computes that at a Lord Mayors

article of soups & Sauces are part of this flesh being dressed or eaten & a large Westphalia Ham is often squeezed to threads & thrown to the dogs the excess of juice of it only being used to perfume seasoning for a couple of Partridges.

Denmark cost 60,000 £ sterling the none of the dishes of which it consisted were above six inches in Diameter.

• necessities of life as well as other things, a tax in proportion to its greatness is certainly conformable to natural equity customs imposed on matters of ornament or cost by accommodation are a tax only on the extravagant & on the rich & such taxes are certainly most agreeable to humanity & justice Customs are an encumbrance on trade & may amount to a prohibition of particular articles which are supposed to be

prejudicial but in sundry cases where no prohibition is even intended the

other with respect to Tobacco which before the late war could have been brought from the Planters at 3 pence sterling per lb . pay a duty of 17 pence $\frac{1}{2}$ per lb on its entry into any custom house in Great Britain

offland. is sold at one shilling per gal. but when entered in any custom house in England pays 6 shillings per gallon of duty. Customs

The consumer but being comprehended in the price of the commodity are not commonly felt as a tax as the merchants

have a profit on all his advances it follows that the burden in the course of trade that customs are paid for any commodity the burden they will fall at last upon the consumer as customs commissions very art

where they are levied is a peculiar & complicated study Mr. Croux's treaty on the

of the articles & has only a single line for each is a book that is much larger than Storis Cuelid though it want all the addition that have been made to these duties for more than 30 years past

during the late war the great-

multiplicity of oaths that are
made necessary by law at the entry of every article & this
expense ought to be considered as so much heavier that more
than $\frac{1}{2}$ of these oaths are commonly false ones a stiff &
unaccommodating Policy resembling that of Spain has
long
governments of England besides the multiplicity does not
add one farthing to the revenue but has notwithstanding
just as effect on the character of the people who are concern-
ed in Trade as must make humanity shudder

epistola

the same mischievous & unaccommodating humor prevails
to give the annual Elections of church wardens each of
is obliged by law to buy a book of articles containing the duties
of their office as they were supposed to be about a century
ago & they are obliged to swear that they will faithfully
observe all these articles. They swear in particular
that they will present

that absent themselves from the church in
order to their being duly
Parson if he does not observe all

The Holidays conform to all the Customs of the Nation
of common prayer

ever taken the least
concern yet because the officer who sells the Bonds gets 10 Shillings
for it & the officer who administers the oath 10 Penna from
each no less than 40,000 men are thus obliged by Law to
perjure themselves every year For a reason of equal weight they
have uniformly refused to reform their prisons least it should
tend to lessen the amount of the Jailors fees the multiplic-
cation of oaths

is an immense hurt to morals without being of the least service
to government Excise is a tax on commodities in use paid by
the consumer the imposed at first on the maker over-
seer or producer or retailer The excise duty in its present
form in England is the invention of Oliver Cromwell

Malt Beer Wops leather Soap candles
winer &c a number of manufactures are subjected
to the excise officers are appointed in every district to
survey daily

Brewers Distillers Ironmongers Tanners & candle-
makers to keep a strict account of all the goods which
they severally manufacture or sell That the duty may be
paid every quarter of late the excise has lately been

carriages Excess may be reduced a tax either on the rich or on the poor generally or on both proportionally Excess is less burden
some to the consumer than Equivalent raised in customs but
it is more likely to be felt as a grievance & to produce more
animosity in the subject against the government than any
other species of taxes as mankind are generally much influ-
enced by whatever affects their senses

unwelcome visits to the merchants distillers
& manufacturers makes them feel their situation with regard to
make loud complaints of it whereas the merchants hope the
perhaps it collects much more duty is known only to the merchant
& the shopkeeper & the goods which are charged with that duty

24th Year of this Century the punishment of tarring &
feathering was first invented there & inflicted on some of the
first

Mr. paper for the citizens of a free republic to study
the amount of longer taxes in order that they may be free
to tell how much of them they pay when they come to

ruyn commodities

Consider by comparison of the taxes of other countries what
citizens ought to learn to be content.
is to study by public & private economy to retrieve
the credit of their country & to support its laws which
are only designed for the administration of justice &
the support of regular government

Lecture 17

Lyth being a Species of Excise for the support of
the ecclesiastics

in respect to its other circumstances
it may appear to be one of the most popular or favorable kind as it
has not been imposed within the memory of man nor affect what
any man can call his property under that name for cydaum
the 10th part of the produce.

Christianity The Christian Emperors
transferred the Lyth to the Christian instead of the Pagan Priest-
hood & adopted the quinquagesimal taxation concerning Lyth into the Code
of their imperial laws now and is much more than 14,000 years
since Lyth have been paid in Europe every where & it

for that many centuries past nothing can be more evident
than that no man whatsoever by the laws of this country can
call the tithes his property because he never purchased them
e he is bound by the same laws by which he holds his lands
to pay his tithes to those persons to whom the law directs
to be paid & that it is evident that for more than 1400 years
past no man in Europe could purchase any more than the $\frac{1}{10}$
of the produce as he had never paid for the remaining $\frac{9}{10}$

inspired with a great
clamour was raised in England against tithes as if they were
an imposition upon property

Properly, even of his most remote ancestors
nor that he had ever bought them or consequently could have
any right to give but when the plea of property was alleged
it was intended to be inconvenient for the Clergy who received the
tithes as well as for the proprietors of land &

Tax was proposed to be put instead
of them The present Lord chamberlain of England lately pro-
posed a scheme which has been discussed on this head in
a camp wherein a gentleman of fortune offered a certain
quantity of land to the incumbent on lieu of the tithes of the
improvement by declaring that by the law of England the tithes
were incommutable & that as the gentleman in question in com-

men with every other British subject had purchased only
 $\frac{9}{10}$ th of the produce he could pretend to have the smallest right
in virtue of that

dispute has ceased & the by the clubs & committees are no
more heard of in England tho a few ignorant people in Ireland
who are incapable of understanding the rights which men have
to their lands in Europe have raised sundry commotions on this
head of late years

The Tax & the oblation of it being annual & exacted
the senses has contributed to make it unpopular with the
people

of what was reserved by the public in the original
distribution of lands properly & what consequently never belong
ed nor could belong to any private man In the times of pop-
ery no difficulty was raised concerning this as it was
clearly understood that they never were any man's property
they were paid cheerfully & readily & the payers considered
their paying of them as an act of religion as well as an act
of justice & at the same time as an acknowledgment of
what was undoubtedly true namely that they had purchased
a right only to $\frac{9}{10}$ of the produce of the land of their prop-
erty & that they paid the remaining $\frac{1}{10}$ th where the

law had made it due The Spirit of Athism & freethinking which began about the time of the reformation

widely by the laws of all Europe but their inattention to this proceeded chiefly from their prejudice against the clergy whose lives in that age were not much more edifying than those of their adversaries

temporal Barons & the Bishops bestowed on certain Titulars with consent of Parli
charge with the maintenance of the Clergy this for some time they received nothing a third part of the former benefices in this arbitrary confusion of right was separated from the rest & this too was vested in Titulars

6 Charles the 1.st part of the Bishops was entrusted on the Churchmen but the Parliament having prohibited private patronage the Bishops from the Titulars at 5 years purchase many took advantage of this

as it was so the Bishops of their own lands now in their whole management we may trace the operation of that prejudice which men receive from their senses which so

after overcoming the clearest convictions of their
reason by joining this grodum altogether the people con-
vined it to be all equally their own ~~own~~ though

this was not the case & that if it had
been all their own they ought to have paid 10 per cent
more for it to their landlords

backwards to the Establishment of
the christian religion but it was evident that no private
man

pedigree of his family or their right to land or any thing
whatsoever to be made a point. The same prejudice which
calidly showed itself in England continues to appear in
any part of Ireland when the people look upon the tithes
with an evil eye & consider the grodum as wholly their own
though they believe that they never bought it or paid any
thing for it but human nature is in every age subject to
the same weakness & prejudice denoed from the sinfer
may be said to be among the strongest of their mind
superior in the southern Parts of Ireland

many people
depand the greatest part of the tithes or order to be paid
it on the roman catholics who they believe have a divine

right
except laws The dissenters in G. Britain & Ireland sup-
port their Clergy by assessments which has nothing of
the nature of exise they assess themselves in proportion
to

their meetings & their several proportions are paid quietly
& without murmuring for the support of their own clergy whereas
the Dissenters of the established church are grudging or
attempted to withhold notwithstanding that the difference
of these two cases is entirely

This circumstance that what the
Dissenters paid to their ministers is legally their own property
& what is paid to the church men is the property of the Clergy them-
selves by the

or could acquiesce ought but prejudice ^{are} stronger in
our sense of right so that in the present case those who give away
their own property do not complain & those who only give up
the property of others to the legal owners complain as if some-
thing were taken from them In the beginning of the 17th
century of New England

Let them thought themselves
of making a stated provision for their clergy by an assessment
upon the Dissenters in England & accordingly imposed
upon every house lot or dwelling of land a certain small

Sum which was to be appropriated to the maintenance
of their Clergy has this plan become obsolete we are not
informed probably it was owing the spirit of infidelity

last year that term the notion of a school & other properly
which is unknown in Europe

provisions of a temporary fund
for the support of Clergymen have been made here & there
according to the prejudices & desires of the people but how
long or how short any of these may continue is impossible
to conjecture to prevent the Spirit of Collection & the Spirit
of indifference have set us free from the scandal of persecution
as well as from the fear of it and if open Atheism & infidelity
should gain the ascendant what would soon produce
a persecution against all who bear the Christian name
from the present situation of opinions &

appears to be daily gaining ground &
all the denominations of Christians diminishing in their
numbers everywhere Mr. Adams appears to consider the
passing of a law for the observance of the Christian Sabbath
as one of the greatest follies that the people

not a little that all the
American constitutions were formed without the smallest
regard to God or religion nor if such opinions continue to

gradually withdrawn & as we have seen many Weeks at
just till, as these very men his can laugh every man his

or his can rather we may find for some
his own elige

man consider in which the people may be taught that all
religion is entirely superfluous & an encroachment upon liberty
& that men may do whatever their passions may prompt them
without fear of punishment here or hereafter

We now ground to the consideration

mentioned in our preceding speculation they have been
considered only in respect to the history of their establishments
or in respect to the foundations of civil rights or obligations
that are derived in sundry instances by special conven-
tions which form the political civil law of the community
but men have original rights & interests to guard in respect
to which actual establishments & conventions may be sa-
lutory or pernicious & give rise to a question which is now
to be discussed namely, what is left for mankind in their
political capacities? now in discussing
from principles or rules which

may be termed the ^{positive} law of nature. It is one thing to consider how the different simple or mixed forms of government actually arose or how far they are qualified to support themselves & it is another thing to investigate what men ought to do with respect to political institutions which properly renders this question a branch of moral philosophy.

Each of them has its particular spirit & maxim by which they support themselves & exclude others & their ends are likewise somewhat different now in our present enquiry we propose to investigate these maxims in which all governments ought to agree entirely abstracting from any particular form. In investigating the ends of government we will discover its necessity & usefulness to human society & in comparing different forms with each other their several excellencies & defects must arise only from their fitness or unfitness to promote the great & general end of government. It is ordinary however for many writers to mistake these means & institutions that were designed only for improving a particular form of government for the means of

principles or political laws of nature would then be able
to discern what are the principles of each particular form
& how far it is capable of constituting the greatest ends of
governments & society. It is a different proposition that
Political institutions are only beneficial in proportion as
they contribute to the safety & happiness of the people this
principle therefore may be safely assumed as a just
principle of

consider. 1st who are the people. 2^d In what this safety
consists. 3^d In what this political happiness consists
in forming the first governments of men it is probable that
private interests may at first have been chiefly consulted
& many subsequent institutions have been introduced

Govern-
ment Thus E.G. In a state where by the monarchical
system or Law the whole authority is supposed to be in one
person a

high treason or conspiring against
the whole community whose interests & authority are supposed
by the constitution of the state to be concentrated in & represented
by that one person

an act of H. H. whether kind
detains any attempt to alter that form or change sup-
posed to be a conspiracy against the whole body again
in a commonwealth high treason consists in endeavouring to
oppress the liberties or to force & take away the prop-
erty of citizens a principle which an attempt to be
injurious to the public good is the maintenance of the
people's rights now as in ordinary cases

of government should
be accomplished without bloodshed & confusion as
the far greater part of men in every state are quite
incapable of distinguishing between the form

who without
the consent of the people endeavour to alter that form of
government which is already established but in all
forms & always to be granted that when ever the
people are dissatisfied with their own particular form
they may lawfully & truly lay it aside by common
consent or by a majority

make such a change from convention &
experience neither is it high treason to endeavour to persuade
the people to make a change in their own form of

a voter to promote their particular views they could not have
been accused of rebellion which means only the laying war a-
gainst a particular government & endeavouring to change it by force
without the consent of the people but while men obey the laws

to be bad subjects though they may be funding things in
the form of this our government which in their opinion re-
quire amendment but of the contrary principle was.

except a
stupid blind bigot or the ignorant follower of a Demagogue
who is charmed by the mere sound of a single word such ad-
heres to a form of government without knowing any reason
for it No man capable of reflection will find a constitution
of government must appear to be imperfect & they are incapa-
ble of thinking or feeling otherwise whatever violence is
used with them but they

government that exists by lawful
force or against the will of the people though they may wish
to win endeavour if they think it safe for them to persuade

the people to alter the

only calculated for the interest of these
Demagogues & for continuing them in the office of
lucrative places at the expense of the public. The man
that

attachment we will always
feel in favor of any particular form of government as very
little of the public happiness depends upon the form but the
whole must always depend on the character of those that
administer it so that even a very defective nay a very bad
form of government may at certain times & in certain cir-
cumstances serve the great end of government so well that
it would be quite unnecessary & very of death to attempt to
alter it by violence. The constitution of Holland for instance
may be said to be superlatively bad & to deprive the people
of almost the whole of their political rights yet what they
are satisfied with it & quite undisturbed so that it actually
serves the great end of government among them it is
utterly unlawful to disturb it & by means of a violent

though perhaps the worst constitution of any in Europe or
in the world has served the great end of govern-
ment in that country

strong light the great
importance of a vigorous administration a matter that
is never mentioned or thought of by our modern political
writers but when a government becomes inefficient &
when its authority is at an

the end of a government
it becomes a duty of Patriotism & charity for every citizen
to endeavor to bring it to any other form that might
answer these great ends yet in such a manner as that
nothing should ever be done by force but solely by
the agreement & conviction of the people.

Lecture 175th April the

1789 -

At the Election of Magistrates who were still chosen by
the people for seven years he gave his vote in his own
District as one of the people may be went thro the usual
form of solicitation & begged the interests & votes of the
people as candidate for the completion the Election being

shall suppose to proceed in their ancient & usual form the
liberty & the republic were now no more & the constitution
chosen by the people were more Regent & despotic of authori-
ty & in future every thing of that kind being imposed by
the Emperor yet even in the time of Augustus the com-
mon people valued of liberty & the republic as if they had
never felt in existence & seemed not to know that they were
slaves for this reason Machiavelli admits those who w;
change the form of a government to retain all their old
names & forms of speech to which the people were
accustomed that they might not be sensible of the change perhaps
it might have been partly for this reason that conquer-
ing nations have generally thought it not to assume the
manners & customs of the conquered in order to make them-
selves sensible of having changed their master When Alex-
ander had overcome Darius in the Battle he immediately as-
sumed the Persian habit & ceremony of the Kings of Persia I do
doubt the new subjects obeyed him more cheerfully in that guise
than they would have done in any other when the Mauryas
had conquered the Empire of China in the 3rd year of the
last Century they almost immediately conformed their selves
to the dress customs of the Chinese which was the more
necessary for people in those circumstances not only to avoid

giving offence to the conquered people but in order to conceal the
smallness of their own number on the whole of them did not ac-
mount to ¹1000th part of the people whom they had conquered
Institutions that are continued for preserving the form of a govern-
ment & preventing alteration in it compose its political consti-
tution but those that relate to the Rights & defenses of men
compose its civil law now the first of these generally

of a government with all respect to its Regar-
ded by the ignorant & the selfish part of the Citizens & the
last namely the civil law by those who are thoughtful & in-
telligent The conventions that compose the political constitution
of countries are necessary & important only in so far as
they have any power or tendency to maintain the civil rights
of men Under the denomination of the people we ought to
conceive not any separate order or class of men but all the
members of the community whether magistrates or subjects
or in whatever way they are distinguished according to the
custom or distribution of rank or distinction now the safety
of the people consists in their secure enjoyment of their
rights & the principle importance of particular forms of
government consists only in that degree of security which
they are supposed to give to the rights of the people
now it is not enough to know that the persons & rights of
men are actually safe for the time unless they be also

found in such a manner that there is no probability
generally speaking of their being violated & unless there
is an official provision made that none shall violate
them with impunity now in order that the rights of man
may be always secure this necessary either that
there should be no one to invade them or that there
should be always a powerful hand prepared to de-
fend y^e. now the first of these is not to be expected in human
affairs & to provide the second is the principal object of
political establishments. The civil laws of every consti-
tution ought to define the rights of man which it pro-
poses to secure & to supply a powerful official defender in
case of their being attacked now the laws of every com-
munity must afford a more or less security for the rights
of the people in proportion to the strength & vigor that
the government possesses. If that laws are repealed & ex-
ecuted none will dare to violate the rights of another
but if the laws are public & contemptible or the adminis-
tration ignorant or incapable & if the constitution or po-
litical establishment has provided no official means for
carrying the laws into execution then the rights of man
must be said to have no defense at all in that
community & all the members of it may be said to
be in a more state of nature but as the animal Body

power even when the powers are imper-
fect of governments are really extensive as it may hap-
pen that for some time the habits of society may persist
in some to a small manner even when government is no more
but such a society being totally without union & defense the
smallest conspiracy may absolutely destroy it & quite
destroy the rights of property & all its other rights when
ever the law that ought to defend them has ceased to
have any vigour. It has sometimes been the object & the
good fortune of some communities to possess members of
just character so that they might safely be entrusted
with any degree of power but it has been the object of
the greatest numbers of communities to grant only such
powers to their governors as might be safely entrusted to
any sort of men. The extremes of anarchy & despotism are
acknowledged on all hands to be equally absurd & ruin-
ous & to lead to the opposite extremes of anarchy & despotism.
If we trust government with all our rights we are slaves
& have no rights remaining in our own persons on the other
hand if we will trust no body we must remain in a state
of nature & every one must fight for himself as well
as he can now in order to avoid this last extreme as

well as the first the most of free nations have endeavored to limit the powers of those whom they trusted if they might not have it in their power to abuse their trust that to trust only such powers to governors as might be safely entrusted with any sort of men is a common extreme as well as that of trusting everything as nothing at all. Wisdom will demand any society that is disposed of it to entrust as much power to those whom they choose for their governors as an necessary to secure effectually all their rights & to execute with effect the great purposes of government but on the mean time the person whom they trust ought to be limited with laws & conditions & to be made responsible for the management of their trust. In choosing those persons whom a society is to trust as much regard ought to be paid to virtue as if the persons that were to be chosen were to be trusted with every thing & when they are chosen & trusted their power ought to be as clearly defined & limited by laws & those persons made as responsible as if they had no confidence in their virtue. The several cases above supposed may be entitled the government of innocence of virtue & of law under the supposed government of innocence & virtue matters of form an equity & justice but under the government of law it is necessary

that the rights & obligations of men should be clearly expressed & then indeed either by conventional or stated law but
but every government have generally arisen from extraordinary confidence when a people either had such an opinion for a
particular person as to do so trust themselves entirely to
his discretion or when being brought by force under his dominion
men they have been obliged to make a show at least
of trusting with all their rights the Caution & limitations
of trust in free government have originated from experience
and a sense of the bad consequences of immoderate

each society has shown to guard against those evils
that they themselves had experienced or which they most
dreaded though in guarding against one sort of evils they
have often introduced sending others no less pernicious It
is not possible indeed that the rights & defenses of men
should be so definitely expressed by the laws as to make
justice & upright judgment unnecessary in those persons who are
to be charged with the execution of them hence all governments
throughout or decay become respectable or contemptible
precisely according to the character of the persons who are
entrusted with the management of them Equal laws
& a free constitution are no doubt valuable & defensible
things but if the management is committed to ignorant
corrupt or worthless men it will be of no advantage
to the members of society that their form of government is

and to be a good one

of the public are in ignorant & improp-
per hands. In every convention the consent of Parties is supposed
to be given either in person or by others properly authorized all
men in many cases must necessarily often act by others & the
necessity necessarily the case with great Bodies or numerous
societies of men as they cannot themselves meet or continue
together for a sufficient time to manage their common con-
cerns they must therefore intrust the same with representa-
tives duly elected & authorized to act in their name Election
gives not the person to whose judgment & management
the society entrust their rights & whom they commission
to act in their name Dr. Adams apparently to mis-
take the nature & end of representation when he makes it
merely a mean of disseminating the

a trust & not merely a message
The people by their Election empower their representatives
to consult with & determine for them according to the best
of his judgment in which by their Election they have placed
confidence & they are bound by their own Election to abide
by the consequences of his actions as they have legally
constituted him in their place but according to Dr. Adams
opinion if the majority of a man's constituents were either
fools or traitors or otherwise ill affected to the communi-

in order that in his public capacity
he might express only the sense or non sense of his con-
science without making use in the least of his own
judgment such language has often been used in En-
gland by the Hallers of the People who intended to
sell them & their Rights as soon as they had obtained

manner & did not debase himself to talk so for sake of a
seat in any assembly upon Earth he cannot act contrary
to his judgment nor sacrifice the honor of the laws & the rights
of mankind to the folly of a multitude & as he is incapable
of doing so he is no less incapable of promising to
do so. It often happens indeed that a supple Person who
does not in the least mind what he says will readily com-
pliment the people with his understanding & conscience
which to be sure is no great compliment of their own for
if a people be possessed of discernment they will easily
see that a person who professes to have

wisdom must be a
unjust person to judge for them the constitution of this
State in words at least holds up a quite different no-
tion by insinuating that the persons who are to be chosen
shall be the most noted & eminent for wisdom & virtue

now wisdom & virtue would be quite superfluous to a
person who has no judgment of his own but who is only
like a wind instrument to emit such sounds as might
be blown into him by the breath of the multitude - by
means of representation a Society may sometimes choose

might be of great advantage to them & certainly if we were
choosing a lawyer or a physician we would sincerely wish
that they were as much wiser than ourselves as might be
& that they might be capable of acting for us much
better than we could act for ourselves by our own shall
but according

neither to be one who wishes
nor more selfish than his constituents otherwise he betrays his
trust & falsifies his
as sovereign in a State or authorized to make laws & these
may relate either to the political constitution or the means of
improving & supporting it or to civil rights or to crimes
now although by the nature of a republic the sovereign pow-
ers are intended to be in the the people at large

supposition
that the whole power is in one person or the whole wis-
dom of the state in one assembly the people cannot
exercise that power by themselves which by the re-

Publican fiction

to others by whom it may be excused in the
way of legislation & execution & when the people have
once delegated their power it remains no longer in them
but immediately passes into the representatives whom
they have selected. Every thing however is said that
flatters the conceits of the people & often held to be
law & good sense in a republic in the same manner as
the most flimsy flattery & meanness is reckoned only
loyalty in the court of a monarch.

of a free people than just
a little conceit which is often suggested to them by their
flatterers namely that the sovereign power remains in
even after they have given it away in the most solemn
manner This renders the

a men force because the legif-
lature has no power at all of all power what power
be declared to be in the people. The late rebellion in
Massachusetts so far as the people concerned in it
were capable of thinking in any shape may very
probably have arisen from licentious notions of this
kind they may have been told by their Demagogues

their representatives have not acted according to their
sense of the people & proposed of sovereign
powers will as wisdom

to inculcate such doctrines on the
ignorant & unthinking part of mankind as to tempt them
in consequence

conscience because any one of the people if they are
may lawfully con-
troul those who are not the Sovereigns & who consequently
have no power at all then cannot be two sovereigns gov-
ernors in a state at once

as it really is on the day of Election
then is no Legislature to represent the sovereignty of the
people they are already ^{lost} the first mo-
ment after the

to come because all the power that was
formerly on them is now by their own & deliberate act
transferred to their representatives. It is exceeding disa-
greeable no doubt

along with them & which indeed are as
certain & evident as any thing in mathematics but in
the present times when ignorant & untaught & artful
Demagogues are flattering the people to encourage them
to rebellion & exciting them to dispute & resist that

learning & sense gives an indirect appreciation
of such fiducious doctrines it becomes a necessary duty to put
young people upon their guard that they may not learn their
political notions from an unthinking mob or from some super-
stitioned old women but that they may learn to judge for
themselves & to distinguish the maxims of reason & wis-
dom from the ravings of ~~and~~ blind enthusiasm & the inspi-
rations of the million & ~~justice~~ anarchy under the
false pretence of public liberty —————

A True Constitution is when the people have the election of their
Legislators & governors this is the highest conceivable degree of liberty
& a people who are subject only to laws made by their own representa-
tives

thus suffers as their condition is the object of the envy of all the Nations
of the Earth but instead of desiring Demagogues will tell the people
that they are not free unless they have an arbitrary & perpetual
negative upon all the laws that are made on their representation
which is

contrary to all forms of government whatever republican or well
as monarchical The error of resisting justice or destroying
a Society

is not liberty nor even licentiousness but it is plain robbery or
rather rebellion against all government. There can be no right
in any man to do that which is wrong if men want to indulge
their vicious passions to take away the property of their neighbours
& stop the course of justice they ought not to call this by the
name of liberty though their Demagogues will tell them that
this alone is genuine liberty but it is the object of all laws in
the world to destroy all liberty of this kind because the law is
intended merely to check the vicious inclination of men
incited by one another. The

respect laws relating to the Constitution are such as confer on
the Magistrate sufficient power to restrain crimes & to defend the
community under such limitations as are judged sufficient to pre-
vent the extravagant abuse of the power of the Magistrate or to en-
able a acting for the community has a right to thus assist him in
the execution of his office as he exercises his power in defence of their
rights & punishing those who attack him but when the people are
taught by their Demagogues that their liberty consists in resisting the
Magistrate when doing his duty in maintaining the course of justice
& the punishment of offenders they thereby destroy the defence of
their own rights & act as irrationally as a man wd. do who would
burn his own house or slay his wife & children to show his liberty
the power of the Magistrate is the power of the state & the power of
the law & therefore every man ought to strengthen & support it

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as much as possible because it is the arm of justice stretched out
to protect the weak & innocent against the sudden & unjust force of a
word of the magistrate that no power the law has no power &

impunity over all the
property & rights of community To choose magistrates who are either
incapable or afraid or unwilling to act in an impartial & honest
manner & display a hatred of justice & good order What sort of Magistrates
would Thomas Highwaysmen Hopefuls &

community? or what Magis-
trates would such people elect if they had the election of their jury
they would elect none at all or such as should be equal to
none on account of their incapacity or inactivity yet the most
popular mode of electing magistrates that is taught by mo-
dern Demagogues tends to reduce things to the very same situa-
tion as if criminals were the sole electors of the magistrates
because when it is laid down as a maxim that a person cho-
sen

is termed or insignificant in order that the people may have no-
thing to dread from his power this is making the worst possible
use of the power of election & rendering the office of the magistracy
contemptible as well as useless on the contrary every good
citizen ought to endeavor to make the magistrate's office
respectable by choosing men of the best characters

in the discharge of his duty this tends to strengthen the laws & to in-
crease the defence of every mans right In the rude and ig-
norant ages of the world men commonly chose to worship wood
or gods because they could do with them as they pleased &
had no vengeance to dread from them the same is the case with

Magistrates from whom nothing can be paid & under whom
they may live in the very same manner as if there were no ma-
gistrate or laws whatever in the society & thus their Demagogues
tell them in the highest uniform & the great Bulwark of their
liberties but suppose any of these wile clerics were to receive any
injury in his person or property

or protection? can he apply to any effect

an act of
redress? no: even the most worthless & foolish person has a
sensible sense of injustice & would then desire that his right
should be defended & his wrong avenged no magistrate can
have it in his power to do any good unless he is intrusted
with a degree of power that would likewise enable him to
do great harm as power is a two-edged tool that may be
turned either this or that way according to the disposition of
two ways of
preventing the abuse of power in governors namely either

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by delegating so little power to them & surrounding them with
such a number of checks or that they can neither do good
nor harm or by delegating a sufficient power & committing
it to a person of virtue & uprightness whose character would
render him incapable of abusing it

has never

been the popular one & Demagogues have uniformly mutilated
the doctrine of delegating little or no power on pretence of fear
least it should be abused but truly with an intention that
it should never be used at all we have for that crippling
the power of the magistracy & only destroying Society & tying
the hands that should fight for us when our lives are attacked
but every thing to be given up to the definition of the magis-
trate by no means but the true remedy against abuse of pow-
er is to delegate a sufficient quantity of it for attaining the ends
of government & to commit it to men of virtue & moral
Principles who will do no wrong for their own sake & who
love & respect the right of mankind No attain so valuable
a blessing

undoubtedly ought to be incurred but this is almost
totally removed by choosing virtuous men of that custom
which is so hateful to Demagogues, could one be good intro-
duced Demagogues uniformly teach that all men are

Shame because they know themselves to be such that there
can be virtue in another but to place their whole security
on choosing vicious men but giving them no power to hurt
them but if it should be said that even virtuous men
are apt to be corrupted by the possession of power surely
the limitations of time & the responsibility of every magis-
trate for his conduct are sufficient securities against anything
of that kind but if it be true that virtuous men are apt
to be corrupted by being in possession of power even for a time
this objection must militate much more strongly against
the choosing of virtuous & uncorrupted men who are corrupted
already & who certainly must be much more disposed
to do

The most perfect laws relating to civil rights are such as
secure every person in his state. The great object of laws is to
keep the members of the community from encroaching
on each other or from retaining or possessing themselves
by violence of what does not belong to them. The law ought
to interpose its power to hinder every man that endeavors
to step out of his place

off c
or in order that every man may have his own which is the

great & chief end of government

to another if he has got it into his possession
or to possess himself by violence of any thing to which another
has right. It is indeed a maxim of the civil law that every
wrong man should remain in his possession

only when the possession was
not obtained by violence or by fraud. The rule is *cautio
est conditio possidentis* "but when one has entered into posses-
sion by force or fraud that should be first removed & the
voided

restored to the lawful & peaceable possessor before any dis-
possession of the right takes place because a force or fraud
is not only being a palpable injury

legal even when a man is
intruding into his own right ought to be redressed first of
all & then the right

possession given a great advantage but that cannot be a
lawful advantage which a man seizes to himself by
force or fraud the advantage

petit or reclaim cannot apply to
those cases where the possession was constituted by fraud

bonafide possession an injury certainly cannot give any

man a right now a fourth entry being an injury
a possession gained in that manner can give no legal ad-
vantage to the possessor but ought to be redressed imme-
diately. Laws relating to crimes prescribe the form of
trial & point out the overt acts

the offense of a crime

consists solely in the anomic injunctions as we have proved
at large in stating the morality of external actions yet
this must be viewed by overt acts

Statutes that define & constitute crimes are to be strictly
interpreted & their meaning ought never to be extended
beyond the obvious & grammatical sense of the words.
Construing in favor or crimes versus by analogy are con-
trary to justice the law must mention the act as a crime
before any person can be indicted or accused of it. The
following are the chief maxims of natural law relating to
prosecution. Just every person is to be deemed innocent till
he is proved to be guilty now this axiom as well as those
which we quoted just now must be understood in a limited
or in a qualified sense

prosecution — 563

he must be confined in order that he may be tried & that
the magistrate may have it in his power to punish him
if he is found to be guilty otherwise the law ought to be
altered in every case but nothing is to be inflicted upon
him that is not absolutely necessary for confining him & reform-
ing him to a regular

manner or ex-

ceptions
acquittal can indemnify him for his life Every wife
petitonal constitution ought to discourage & punish vexa-
tions just as an insult upon justice

The punishment of one who brings
a malicious prosecution ought

to be inflicted on the accused persons if they had been
found guilty The Extortioner appears to be the worst rule
of proceeding in this case but most constitutions are en-
tirely inattentive to the interests of the public in this
respect by leaving the honor of every man at the mercy
of every villain who will be at the charge of a vexa-
tion

acquittal is only just halting damages as a jury
of 12 men generally with strangers to homes will be pleased
to award them. The practice of sending a Bill by a grand

jury before any person is put to trial was certainly designed for a summary to the accused & for the prevention of needless vexations such but ought not to be standing

municipal law.

restrain the natural lawyer no damages would be awarded for a prosecution that had been ordered by a grand jury & seems to be a law of nature & is actually adopted in the laws of Scotland & in that of Geneva

Wale that he will submit to the sentence of Court in case he fails.

strictly appointed a no bail is there accepted for the prosecutor but he must himself go to prison at the

two is guilty or both parties are by this means equally subjected to the danger it is unfeignably hard for accused persons to be put to the expense of defending themselves

the person who wantonly puts them to that expense & through the laws of England however unfortunately countenance these prosecutions Admiral Sir

later we cost him 2000 £ sterling yet he had no relief.

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was acquitted by the help of tearing

out some Page

Lord In some forms of government there is a *Collonnator publicus* or attorney general appointed

ex officio & against whom no damages can be awarded as he must supposed in any case to have acted from malice In some countries however particularly in England the business of prosecuting criminals except in cases of high treason is left to private parties

to the administration of justice

& a great encouragement to crimes in England that when a person has suffered one injury he is obliged to submit to a still greater one

prosecuting & convicting the criminal so that in the last & greatest number of cases the person who suffers an injury finds it much more for his interest to put up with his loss & to suffer the criminal to escape rather than to incur a far greater loss by being bound over to prosecute & incur

Criminal is

one of the great ends of government for such Taxes
are paid & therefore according to justice ought certainly
to be defrayed by the public for in order that every citizen
may have full protection in the enjoyment of his rights

criminals are extremely hard & ungrateful
the poor man is obliged to defend himself at his own
great expense & expense after having paid taxes to government
& protection

then turn to the defect in all forms of government with
regard to this point & those who are really zealous for liberty
would be much better employed if they would apply their
industry

case of this kind & in endeavouring to introduce some reform in
the public government with regard to the rights & defence of men
It may ever be expected whether governments are not obliged in
consequence of the contributions of citizens to defend their civil
as well as their personal rights at the public expense as those
must always be a flaring affidavit in paying taxes for defence
& protection & yet being obliged to defend & protect ourselves
whenever we have need of it If Demagogues were really zea-
lous for the liberties of mankind they would rather study to
secure this real right than to put it in the popular minds that
they have a right to overturn all public order unknown

under a penalty on the pleasure of State, & ought not to be per-
mitted in a free government a legal & fair trial ought to relate
equally to the accused & the accuser each ought to run the
same risk & to suffer equally when found in the wrong &
all modes of legislation that fall short of this end fall
not only short of ideal perfection but of that degree of perfec-
tion which

accusers constitutes the greatest misery of man-
kind under the Roman Emperors as well as under the
modern inquisitions ~

Sept. 1777th April the 16th 1789 -

The genius of arbitrary government tends
in a great degree to destroy the confidence of private life to
excite men to treachery distrust & ingratitude & to render the
quiet & retirement of private families & even the society of friend
suspected by encouraging informers taking advantage of the happi-
ness & unguarded expressions of men to draw them into crimes &
suspicion & discovery no man whatever can be safe when the
eye of the Prince watches his private conversations & puts
in prison his words which he never meant or imagined allu-
sion & comparisons where none were intended The Roman
law required the accuser to come into court & to be

confronted with the accused & it was the departing from
this rule that rendered the days of the Emperors so misera-
ble to the citizens a court place an Emperor's judman
a Prohibitor or a gladiator were all at any time to ruin the
most illustrious & avaricious citizens by insinuating that
they were not loyal to the reigning Prince & as soon
as they were apprehended they were immediately treated
as guilty & defeated by their friends & relations for fear
of sharing the same fate the 2^d Law

That no one shall be allowed to give evidence
that may reflect himself as the instigator in former by offers of
rewards to betray the confidence of friendship: a direct attack
upon the social principle & consequently against the Law of
nature so to endeavour to make any one bear witness against
himself is contrary to the Law of self preservation. This excit-
ing men to a sort of murder to betray their friends &
expose themselves to punishment by thus our confession
of a man's testimony is not the justified action it is in his
own good surely his testimony against himself ought not
thus to be solicited nor expected Hence a maxim of the
civil law "nemo tenetur jurare in suam culpam" i.e. "no man
is bound to swear to his own guilt"

Defence they themselves must first be assured of Pardon otherwise their testimony might be fatal to themselves but when by a pardon their own interest is put out of the question they may then be obliged to —

themselves as well as others. The 3^d Law is that no one shall be tormented into confession or disclosure of any sort. The jealousy of Tyranny first gave rise to torture & it might be the companion of Tyranny as long as it exists Tyrants having naturally dark minds & reckoning all mankind alike imagine that Torture will always force a confession of the truth but on this they show themselves entirely ignorant of human nature because not only great & courageous minds but also Sublimed Bravoes & men of strong nerves will be able to baffle all the power of a Tyrant or they suspect a Tyrant is incapable of considering the injustice of Torture or the absurdity of treating

Torture is a terrible punishment & to inflict a punishment with a view of extorting a confession from the sufferer in order to expose to another a greater punishment is an insult on the Law's signature as well as on the form of justice. Seneca in that humorous work entitled

Claudius represents

him as condemned in this world immediately after
hearing his accuser in the same manner as he himself
had condemned many others during his lifetime & he
observes that Claudius sought that way of avoiding
unjust rather than true.

"magis quam novum" Torture can never be a guide.
to truth but merely a trial of the stubbornness of ones
temper in the strength of their nervous constitution so that
it militates equally against the soul growth & that
of self preservation. It is inflicting a punishment

on an accused person as guilty & attempting
to make him confess against his own life which many have
actually done in order to be delivered from torture by death
confessing themselves guilty of crime which they never com-
mitted & sometimes of crimes which cannot in the nature
of things be committed

many poor old women in order to
be freed from torture & to be turned to death one for all
have confessed to their ignorant judges that they had car-
nally concurred with the Devil in a sinful shape that they
had sold themselves to him & such stuff as the most
ignorant indubitably would surely swallow at present
The persons thing of Viana has indeed abolished what was

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provided punishment but the genius of arbitrary government hinders
him from establishing...

used before condemnation to condemn persons or to discover
accomplices. It is doubtful whether arbitrary power could ever think
themselves safe unless their persons were surrounded with the ter-
ror of racks & wheels. The usage then which upon the same
method has long been the object of the detestation of the just
& virtuous part of mankind. The 4th Law of nature with
regard to trial is that no one shall be punished unless
he shall have committed some actions that is manifestly per-
nicious

governments the most effectual way of ruining
any one maliciously is to accuse him of treason or conspiracy
against the life of the Prince because the jealousy of tyranny ren-
ders all

It may be expected that many will show
their own loyalty by bearing witness against him a tyrant who
knows himself to be the enemy of all will very easily believe that all
are his enemies & the most aduuland suspicion will ap-
pear probable to a person who knows that he has mounted the hea-
tend & resentment of the public sometimes the hatred of a ty-
rant or of his tools is not displayed by an accusation of treason
but of some real crime in order to destroy a person & his
character at once though indeed it is much easier to suppose

that a good man may be an enemy to a bad governor than
that he should be guilty of crime against society. In a
trans government false & groundless accusations and doubly
dangerous as it is not only probable that they will be supported
by false testimony because the judges are provided with false
informers will not be without false witnesses but because
in arbitrary governments men are much afraid to bear
witness against the Crown which prevents the justification of
many innocent persons

albeit the same thing whether
the Council is guilty or not guilty, a personification of the being
necessary for their authority hardens tyrants against all
remorse for the use of the tortures & all the cruelties which
they commit they are called by the name of justice & when
some severity is used men will call himself a tyrant &
even the Spanish inquisition calls itself the holy office

action criminal two witnesses above exception
are requisite to prove any crime. The law of England by
proceeding in many cases upon the evidence of one witness
makes a total departure from the law of nature as well as
from the civil law though even the dissent must with the ap-
probation of some of their lawyers as nothing can be so
absurd as to want defendants in all cases. It is possible indeed
that two or more witnesses may conspire to take away an in-

is so improbable that the law performs the contrary in all cases
where no objection can be made to the character of the witnesses
there must be a fixed rule for proving guilt & if this rule is
not admitted there would be no means of convicting the guilty
in any case whatever makes threatening connection with the
accuser want of full age or want of understanding or in-
firmity are valid objections against witnesses by the law of
nature those witnesses ought likewise to be

witnesses or
have received any benefit from the accuser besides the
law distrusts the Prejudice of men in favor of their near
relations Patrim is Manufacturers so that the witness of
a man wife child or for a near relation cannot be
admitted in his favor though they may be admitted against
him but it is hardly left over to call a mans near relations
to bear witness against him than it would be unjust to
admit their evidence in order to exculpate him the other
thing this rule arises from the same necessity as that
which makes the testimony of two witnesses sufficient
there must be general rules for conviction & none such
can properly be established that may not prove hard
or hurtful in some instances thus E.g. those of a man
own family & his near relations may bear true witness
in his favor if they were admitted & the witness which
they bear against him may often grow from ma-

but a sufficient proof that the law having always a ref-
uge to the greatest number of instances

in the last If no overt act could be proved the prisoner ought
to be acquitted because the law knows no other way of inflicting

government often admit
informer intruder & such as would be totally inadmissible
in other cases If a Roman Citizen was found murdered
in his own house all his slaves were put to death
indifferently being by the ridiculous laws of the
Roman State made answerable for one another tho'
they had not the disposal even of themselves one falsely
naturally leads to another The absurdity of the
very did thus manifest to make slave answerable
for the behaviour of one another though they were di-
vided of all power & became themselves In the reign of
Nero we are informed by Tacitus that P
S governor of the City of Rome was slain
by one of his slaves though he had more than 400
in all they were all put to death indifferently
by order.

injustice of such an execution indeed

would be present & What would be made a subject
of deliberation.

in the Senate itself
did chiefly on the safety of the masters & the necessity of
keeping Slaves under fear but he had not dispassion
enough to observe that the fear of the master was the
sole cause of that fear in which the Slaves were constantly
kept

conditions & as can avoid all to the mis-
chief as it could properly be by the Slave. One crime perpetrated
or renders thousands of others necessary & when men have
injured the laws of nature for their own interest in one instance
they must do it over & over every day of their lives to
maintain the first injury. The 5th Law of nature concerning
Quals is that ~~that~~ it is better that the guilty should
escape than that the innocent should suffer if the condition
of human affairs could admit that all the guilty should be
actually punished it would be certainly lawful to do so
but as in the nature of things the greatest

legal evidence
very many crimes must remain unpunished but it is wi-
dently better for human society that the should be
the case than that the accused should be condemned -

condemned in a such case no defence would be left to
but the innocent & the guilty a standard of evidence
therefore is necessary without which even the most guilty
should never be punished

unjustly The ultimate design of human laws is govern-
ment is to make things better not to let which belong
not to the present state so that that may be called a
very good government in which all crimes that are
legally proved are duly punished though a great ma-
ny criminals escape notwithstanding their guilt for
want of legal evidence or justice sometimes lies against
them which is sometimes even as heavy & unpermountable
as the want of evidence itself we mean the expense of le-
gal prosecution a grievance which though it merits

is not fairly attended to by any though in the present
age the want of money is often as the want of evidence
may be the cause why many criminals are not
punished

as to be too much followed or practiced out of mere wanton
of.

member when really necessary. The 6th Law is
that the object of punishment should be to correct the guilty
& to deter others. The just proportion of punishment
to crime though part of natural Equity has never
yet been sufficiently attended to in legislation & though
the ancients had learned to learn the severity of the
Greeks who made all faults alike

conduct the Establishment of slavery
introduced a disregard for the lives of men & such a hard-
ness of heart & undervaluing the safety of mankind in
general as is very conspicuous in their history. Punish-
ment ought to have two ends compensation & example
as the commission of a crime is the cause of Punishment
the Law must inflict evil on the guilty or compensation to
society for that evil that he has done to another. Some No-
mentary Politicians endeavour to represent

of Punishment
but this is frankly ever gradually & in most cases even to
attempt it would be a violation, as well as an insult upon
justice & upon the feeling of society as honest & women

is not corrected or reformed by being hanged though the society
is certainly delivered from the fear of her injuries in future

of Capital punishment & to hope for their correction
or amendment is little short of madness. The object of punishment
ought to be the security of society which is certainly most
effectually secured by the death of such offenders. Virgil at
Rome Whom understood very properly: what was the real
object of public punishment viz. if security of ^{society} as appears by his
"her turn" motto at his lapidation ^{Highwayman of} *tigittus*

"*Nota dieque lucum carpe viator iter*"

L

When the nature of any injury admits of the possibility of compensa-
tion the right to be the last duty of the law & this cannot properly
be called punishment in so far as it is done against the will
being only ^{reparation} of the

rights of which he was in possession
before the injury was committed. But when the injury is of such
a nature as that it cannot be literally compensated then the
lex talionis ought to take place & the person who cannot pay

costs in money for the injury that he has done ought to forfeit his
liberty & be subjected to corporal punishment by way of retri-
bution & here the maxim of the Roman law takes place "quod
non habet in crimina licet in corpore" "The Legislators of this
State have come nearer to proportion punishment to crimes
than has been done hitherto elsewhere. It is only to be wished that
the method of punishment be faithfully executed & applied to
all crimes for which it would be a proper punishment. Example
which is the second end of punishment & even the opinion of
innovators that the reformation of the Criminal is one of its

strongly in favour of
punishments that are
the argument ordina-
rily urged in England against all punishments of this nature
is that they are contrary to liberty but this is really ridiculous
as a man who is certainly more punished by his being hanged
than by his being imprisoned or condemned to hard labour for
a limited term. The suffering of wit by the Criminal man
though it have no tendency to make any compensation
to the injured is not however useless but publicly demon-
strates the strength of the Law & awakes the severity of
private persons by deterring other offenders from attacking
the rights of others. The vulgar are more to be wrought
upon by actions than by words when they see the conse-

quency of breaking the laws this is the most effectual warn-
ing
a long time must operate much more strongly than the transient
awakening of an execution which is forgotten as soon as it is over thought
less & wicked men naturally dread a life of labour ^{capable for} ~~thorough~~ more than
a shameful & painful death & therefore the inflexibility this upon them
as has been to be done in this state ought to be a more effectual restraint
than the former method. It is now argued that a continued punish-
ment of this kind hardens the sufferer against all shame & gre-
naw him for falling into this crime after he is released. This argu-
ment would have some weight if the whole of the present punishment
consisted in shame or if it could not be repeated to the same person
for new offences but if this argument have any weight it ought
likewise to be said that men come to be accustomed to hard labour
by habitually undergoing it & that the fear of it will not restrain
them in future but the person who uses the arguments from shame
will not extend it thus far though etc. of no manner of force
unless it could be so extended & the probable operation of that
principle as a restraint from crime then depends on many cau-
ses for instance the state of the society to which the offender belongs
the moral characters of those of his neighbours good & especially
on his own character & feelings in a law & imperfect state of so-
ciety where the first offences would however be extremely rare
it would be quite ridiculous even a legislator to have any de-

hondance on shame

any man has of shame with respect to the quantity degree operation or effect depends entirely on the notions which he entertains the company that he has kept & the characters of those whose friends & confidants may appear defensible to him now this being the case it will not be difficult to point out in an imperfect state of society many persons who not only have never been confined or punished but who have been raised to the highest honours & public trust by their Countrymen who are however as hardened & as much left to shame by the habitual practice of falsehood & knavery as any criminal can be supposed to be after being 20 years condemned to hard labour & exposed to the contempt of the public

many men instead of
severe punishments for crime who when the crime is not murder
the punishments

The 7th Law of nature concerning crimes is that the punishment be not such as shews humanity or disorders society more than the crime itself. Cruel punishments are a reproach to a legislator & war to a nation when they growail the execution of Mothers or Strangers by making their Wives one of
for another & leaving them prisoners for more than 2 days

Spirit of an arbitrary monarchy.

The punishment of Crucifixion which was inflicted on slaves & mean persons by the Romans was a diabolical invention & found only to display that cruelty & inhuman hardness of heart that is manifestly evinced by the institution of Slavery rather than any regard to justice especially when we consider that this awful punishment was often times inflicted on unhappy men for

of small value for selling a little slave or retreating from a fight or for staying too long on any errand Some masters who desire to gratify their passions without losing their slaves. Ruptured corners when greatly galled are let loose their slaves when ever they were angry at them in such a manner as that their lives might be preserved

Sunt que tortoribus

The Dignity of the Law & the dignity of human nature is insulted by such punishments which excite merriment

To give a poor soldier 500 or 1000 lashes which is frequently done in England both in the Army & Navy is little to the same objection. The mildness & humanity of the Spanish Code in

enacting

the intimation of all legislators who do not reckon them-
selves too wise to be instructed if cruel punishments can
ever be necessary or excusable in any case. It must be when
they are required by the Lex talionis as an equivalent for
a shocking murder or any crime that is perpetrated with
great cruelty or when the nature frequency or danger of a
crime requires additional terrors. The law of England or-
ders those to be punished to death whether males or females
who refuse to plead to a criminal indictment & this is
so far defensible on account of the danger of that crime be-
cause if a person could escape conviction or punishment
by not pleading to his indictment there could be no concrete
or regular punishment whatever. It likewise condemns
a collier to be hanged to death if he is convicted of poisoning
a ~~man~~ woman to be burned to death when convicted
of the murder of

The intention of the law is hu-
man & beneficent & designed only to defend the domi-
nation of justice to secure the confidence of private life
& to add terrors to the punishments of crimes that are
most shocking to human nature

exemplarily punished the Punish-
ment of which is common among the Negroes
& the lectures often infused on the slaves by the Planters
of Jamaica which often last several days an induction of
Diabolical cruelty & a scandal to human nature in order to
secure legal rights it is necessary that the Cause should be
thoroughly considered & rationally applied but in the greater part
of political Constitutions there is a very great defect.
respect to civil wrongs or offences which the Law of Society
are generally too much distinguished from crimes against

There are many civil offences
for instance which if duly estimated would be found exceeding
worthy of being ranked among crimes against Society
& punished accordingly E.g. Fraudulent Bankruptcy
notorious

lack of trust habitual falsehood
& lack of faith in common life if we consider the hurt
that they do to Society will be found to deserve equal
punishments as Theft & Murder & in many cases of
this nature capital punishment might be judiciously
applied according to the estimation of natural equity
Crimes of this nature ought to be subjected even to greater
punishment than Theft & Murder because they are

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security of private & commercial life to a much higher
degree than theft or robbery could ever do besides they
are more injurious to private rights & no prudent
what power can guard against them none of the crimi-
nal law were extended to this including compensa-
tion in the first place on cases where guilt was
evident it might be of singular use for restoring
credit & confidence & preventing frauds on society &
cannot be prevented in any other manner so rational
an extension of the criminal law would do great ho-
nor to the legislator who should adopt it

case it would not fail of being copied by other states &
nations & would tend to increase the security of hu-
man society & the defence of the rights of mankind
Under the government of laws discretionary powers are
not safely entrusted except the judges named by the parties
or de jure purged by the challenge of parties & equally
intended to protect the innocent & to punish the guilty
by the jury as the law to determine what action are
to be held crimes & the jury to determine what

The charge

In the administration of civil justice the case is the same the business is the defence which of the parties is innocent or guilty of a civil offence against the other in this case decides a contract, as well as a penal ordinance an employer to determine which of the parties is guilty of crime in civil causes an commonly supposed to be a capital privilege to afford the most effectual defence against the corruption of judges they are indeed a security against judges because they take the business almost wholly out of their hands but who shall be security for the juror themselves? being in possession of power for a very short time they are as much under temptation to abuse it as judges can possibly be & indeed much more so because they do not exist as a body any longer than during the sitting of the court & if they give any verdict that is scandalous or shockingly unjust the infamy of it falling upon a number of families or not at all felt by individuals

in opposition to the actual state of understanding & morality that is generally prevalent in their vicinity
was put as these

of 1, 2, 3 or 4 Jurors may

whom the political constitution
conjoins with the legal judges in order men effectually to con-
vict the public of the wrongfulness of their sentences when they
are thus joined to be the same with those of the good people
of the country

Hence the number assumed in England is the same with that
of the

15 in number the juror. Likewise consist of 15 now
the intention of the political constitution in this matter seems
to be to add the agency of an arbitration to the solemn-
ity of a legal decision. The jury may be said in some

as they have a right
to challenge or reject as many of y^r as they have any objec-
tion against but when the judges have discretionary pow-
ers the right of Parties are much more

permitted which is always left
to the discretion of the magistrate in the security of the Rights
& defenses of man civil & political Liberty properly con-
sists Civil liberty is opposed to injustice but not to restraints
as the ignorant are apt to imagine for liberty cannot subsist
without the supposition of the restraint of just laws
otherwise the effect of liberty would only be the distress.

tion of the rights & liberties of man by one another words
that are undefined & of no determinate

especially if they are conceived to
relate to the general concerns & rights of mankind The
words Law & liberty as well as virtue & religion are
terms that are very often abused & erroneously understood
These Law has often been applied to the men with of a des-
pot & liberty to the

is extremely apt to be misunderstood

a negative term being as it were a vacancy into which a
man might cram any thing whatsoever that occurs to
his imagination or gratifies his passions hence liberty has
been often understood as an exemption from all law & a
privilege of not being bound either by ones own duties & ob-
ligations or by the laws made by his representatives

justice
& immediately destructive of civil society but the way
to understand liberty aright is not to consider it as the ex-
clusive possession of an individual which is the very de-
finition of Despotism in a state where the Despot is the
only freeman & all the rest are his slaves but we
ought to consider liberty as equally the birthright of

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rights of another? or by an endless & uninterrupted reciprocation of injuries & revenge such proceedings would soon ruin the liberty of the greatest number by extending that of a few. It is manifest therefore that the liberty of a society must consist in the whole of them being restrained in the justest manner by the law within the exercise & enjoyment of their own rights & effectually prevented from encroaching upon those of others. It is in this manner only that every individual can be free for that entire liberty when every man possesses all that belongs to himself & when none possesses any thing that belongs to another. The indulging of any one to the hurt of others is directly contrary to equality & proportion which is

individual

in the possession of his own rights by restraining all from going out of their place & by punishing those who either under pretence of right or liberty encroach upon the rights of others

Lecture 179th April the 20th 1799 —

constitution is only impaired by

that members than the Roman Senate after the expulsion of the kings enjoyed the same privileges as formerly despoiled from the Kings & commoners only the sovereignty was transferred to the annual magistrates who were elected by the people. The Magistrates of Holland in becoming a free state chose to retain only those privileges if they had been formerly granted them by the Counts of Holland their ancient sovereigns & to put a final barrier just election & then hereditary in his place. In the antient laws of Venice & the Kingdom of Poland all the liberty of that country belonged only to the Nobles & the rest of the people as in nothing being slaves to the Nobles & even in the great charter of England

even mentioned in it according to the first interpretation of that Charter all the other inhabitants of England are mere foreigners & not directly introduced to the benefit of the laws those enacted are the most salutary laws which substitute the benefit & the wisdom of civil society in the most equal manner but it is no small increase of liberty

to be secured

To be defended against injury & to be maintained in the enjoyment of
our own rights will suffice every rational lover of liberty. But the lo-
vers of rest & confusion who often disguise their purport & intentions
under the name of liberty would always include under it the
liberty of settling others with impunity by ranging over the weakness
of obstructing the administration of justice & destroying the rights &
dignity of men such people as these can never be had in too great
abundance as being rebels to order & enemies to justice & a scandal
to the name of liberty. The political happiness of a people consists
in the love of their country & in that distribution of rank & of
power which is best suited to their merit & capacities. The idea of
a perfect government or political constitution implies the settling
every member of society in that place which is fittest for him & main-
taining him in his place & in the enjoyment of his natural rights
so far as is compatible with the safety of the society and
the rights of all others. Men that are raised above their natu-
ral place or their place which their talents & merits give them
for an improperly locating as much injured by being put out
of their place as when they are put below their due place &
deprived of their rights & privileges to which they are entitled.
The human body which consists of a number of parts prop-
erly arranged is commonly considered as the best representation of
a well ordered body politic & as the due arrangement of the

different parts constitutes the happy & healthy
usefulness of the natural body the like arrangement
& order & disposition of parts is not less beautiful rational
& necessary in the body politic when a man stands on
the crown of his head his feet are exactly as much too high as his
~~head~~ is too low

the most natural. now the happy
turning position of a state which is commonly recommended by
the

is as healthful to the body politic as it is to the natural body
The liberty of a man with regard to his body consists in the na-
tural & proper use of his limbs bent in walking upon his
heels or walking with

retrograde motion as Tumblers.

Sometimes do in like manner that place is left for every
man as a member of the body politic which he is capable of filling
& which maybe called his own place for the like reason. The
natural body thoughtful consisting of the same parts or members

actions
except when every member of it is in its proper place. It is
common for ignorant people to mistake the nature of a repub-
lican government & to imagine that because

there are
no distinctions admissible among them but that they are

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like the
fluid & different shape in a flock who cannot be distinguished
from each other & that all of them are equally qualified for the
higher lower or middle places in society this is a delusion arising
from ignorance of nature which produces men with very unequal
capacities & talents for study & commonly determines their proper
place by the degree of talents conferred on them now although
that it is readily granted that the rights of all men are equal
yet their talents were for enjoying these rights & especially for
maintaining them are often very unequal thus when a man
is non compos mentis or an infant or a minor he is inca-
pable of enjoying or administering his estate tho his right to
remain unviolated now with respect to affairs of state or
civil dignities there is in many nay in most of those
who have the right of citizen a complete & permanent in-
capacities as that of non compos as to the enjoyment of
a man's estate now although these incapacities do not
take away the right yet they totally disable that person
whom they affect from enjoying that right as long as they
continue thus E.g. if a man is born blind he will not
be very fit for piloting a ship or commanding an army
or if he is deprived of the use of all his limbs by a
dead palsy he would not be a very proper person for being
an Edictor to carry the General's orders with expedition

of a blind man or a Paralytic loany of these officers is no sort of
injury to him nor any denial or restraint of his rights but the
consequence of a natural incapacity. In the same manner if
a man had entirely lost his hearing or even if he had no ears for
myself he would not be fit to teach the art. He would be a kind
of muser & would certainly perform injury though he were
never thought of for such an office when the Pretenders
forces were defeated at Culloden

in the in the field
a person so extraordinarily deformed that he excites the astonish-
ment
ment. He had a flat nose & an immense expense on his nose & a
crooked back his legs bent like a bow & the feet turn-
ed almost quite backwards. This extraordinary personage
the pretender?

He replied that he was his dening master: upon which the
judge observed that of all the officers about the pretenders
person were settled with equal property he was not at all
surprised that his affairs had gone so far wrong. now
some writers in explaining the nature of republican govern-
ment

tell each other that they incur the risk of appoint-
ments & elections no less irrational & ridiculous than the
one just now described

5-15

or constitution & the excellency of political wisdom in
arranging the members of a republic consists not in placing
nations than a true lapse of ideas the same arts there is cer-
tainly no reason why a republic should always be worse
governed than a monarchy or aristocracy yet it must al-
ways necessarily be so unless it endeavours to avail it-
self of all the diverse talents & capacities of its members

officers these
constitute ranks in society & determine fitness by nature for
one office & consequently unfit for another. There are persons
who is an excellent seaman may be exceedingly ill qualified
for many offices on shore & an excellent land officer may be
totally unfit for the sea service now as the distribution of differ-
ent talents to different individuals is the work of nature
itself it cannot be altered by any earthly power & for it
our power to destroy it or to establish a pretended

artificial as well as a foolish
& unkind attempt if we should endeavour to force the talents
of men in order to bring them to a level it would be quite
as ridiculous as to endeavour to change the qualities & na-
tures of different animals. Give Peace

" atque idem jugat
Thuc to oblige a man to be a poet who does not know
molestation.

Thus to indicate to the members of the
office in a state by the force of men as arbitrary Elections whom
nature had totally disqualified for these offices as if Elections &
corrupt qualifications were a man what he had not before or
control & change the determination of Nature and regulate
himself small will probably contain in it unless men who are
not for every office belonging to a state now it is the business
of electors instead of asking the Disputes or making a Parade of
their power by choosing whom they please & only because they
please to follow nature & to inquire who among all the mem-
bers of the state possesses the necessary talents for any office if
electors for instance should consider the office of a judge as a
man literature one & consequently elect to it a person who had
neither honor nor justice nor knowledge of the laws their election
would be formally good & legal being the will of the ma-
jority but it would be materially wrong & highly injuri-
ous to the public the interest of the public therefore ought
to appear in the choice of their representatives & officers of state
& the more regard that they show to natural qualifications
& moral worth the more they will serve the interest of the
public we have not hitherto mentioned moral worth as
a qualification for any particular office
for all & likewise
unfit because it is liable to be counterpoised & totally over-

tended to by those

to officers in a republic will always depend upon the moral taste of the Electors or will arise from the general state of morals in the Society for the time being Selfishness or a supreme regard to private interests in the greatest measure of morality & the love of principle & a sense of honor are commonly its greatest friends but as we have just now observed it depends entirely on the moral taste of the times & the characters of the people in general what qualities shall meet with praise & what kind of praise men are fond of for in an Age E.G. where is nothing is reckoned valuable except money & where any method of gaining money is reckoned honorable enough providing that it is successful We can plainly be expected that those who are elected to public offices will be much more virtuous than other people & if they are not made responsible for their conduct & administration

their country &

the nature & degree of a man's love to his country

mode of

thinking Thus if a man is vain & ignorant his love to his country will consist only in a selfish boasting of it & blindly ascribing it to all others on the world & in being re-

thing in the least amiss on its constitution & administra-
tion

a generous but if a man has any notion of real dignity or
a respect of any moral worth or sense of honor & is desirous
of the fame as well as of the peace & prosper of his country he
will consider himself as entrusted with a trust of his repu-
tation & endeavor by an upright & disinterested conduct
when elected to any office that he did not accept of then
offered from mere views of profit but with a design to be-
nefit the public when such men are praised they will pro-
bably abound but when no praise is given to merit it is no
wonder that merit should be very rare. My country will co-
act the regulation of Patriotism & often

actions in order to be esteemed but

when money or party principles constitute the only quali-
fication for public office & on the only recommendation to
the favor of the electors the case must be different Interest
& party will then take the name & place of the public
& the whole of a man's actions words & designs will be
directed to these ends only men who are wholly set on the pur-
suit of money will have little or no value for honor & in
terms of hot party zeal or in the pursuit of private interest

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honor will never be thought

point of Justice & Character an equal division of property is
most unjust as well as difficult distribution & impracticable.
All men must always be unequal in mental endowments
capacity & diligence & to pretend to make their goods
or equal notwithstanding is not only extending
the rights of property but it is putting an end to all
industry & superseding all reason. Equity & proportion
no state could stand a single year or even the shortest
period of time in this situation in which our colonies
in Politics would have it placed at all times men of
property dissatisfied none but the indolent & worthless w,
be pleased & the whole of them must soon perish for want

would wish to throw
us into but inhuman nature will never be too strong for
their attempts & even those who profess liberal principles
sometimes they themselves acquire any property ever it only
from the plunder of others w, be as avaricious as any to divide
it with others

extension of property & a community of goods nature
& reason revolt at the thought of it & this consent is only
supported by a few indolent & worthless people who having

nothing to hope for from industry, defense to him who
at the expense of others not being capable of justifying
obtained an
universal famine & misery must immediately ensue -

Lecture 190 April the 20th 1789 —

equal to each other in losing the chief ad-
vantage of a republican government which consists in affording scope
& opportunity for the natural dispositions of the citizens to advance
themselves & to exert the public by those talents which nature has
given them

"Maced

" Nicomachus Domi.

Supposing that there are in monarchies many persons possessed of
singular & decided talents for public business yet how shall they
be employed & how shall they be introduced to the notice of the
Court if they have not the interest of some grandee or hap-
pen not to be related to the minister of the first minister. Their
qualifications with probability for ever remain useless & they
will never be employed but suppose these same persons

given them an easier opportunity of availing themselves of
their natural dispositions & thereby advanced to offices by
the suffrages of their countrymen wherever they brought

government to mortify all men of merit as such a lot of a fool
to be in every respect equal to a wise man this would be a monarchy
& indeed one of the worst kind a monarchy of dunces in which
every office in government would be filled with the most unfit
subjects of the State for the purpose of demonstrating that fools
were as well qualified for them as others in the judgment of
the people when Democritus the architect wished to become
known to Alexander the Great he could find nobody to introduce
him or to mention him to his majesty he was poor & friendless
& almost hopeless though he possessed of excellent talents in his
art he found a resource however in his own invention which
succeeded he fastened all his cloaths & anointed his body
with oil like the wrestlers threw a lygon skin about his
shoulders & wore a great club in his hand in imitation
of Hercules & in this strange disguise threw himself in
the way of a thing at a public assembly

he called to him w^h
was just what he wanted even conversation he easily
convinced that despising Darius that he was capable of
serving him & was employed accordingly he drew Pagan
of Alexandria into the Decree

converted Athens into the form of
a man holding a city in one hand & pouring a river out

of the other of Alexander had returned also from the
clashed according to their merits to
be employed suitably to their abilities & to find those stations in
which they are most likely to cultivate their talent & their
virtues artificial or external distinctions such as grade
under monarchy are apt to confound & obliterate natu-
ral distinctions & to introduce an inequality & dispo-
sition into the affairs of the Public under these govern-
ments men may be appointed to offices without having
any merit merely by

their ancestors but those who have none
of these distinctions being considered on a more impartial
point of view may be much more probably clasped ac-
cording to their merit. Thus we find that under monarchy
the lower ranks & offices of life are not being crowded with
persons

filled

than the upper ones
when both the fortune & the counteract nature & reason
In monarchies likewise the qualifications & despatches of the
higher offices are commonly men of ability to compensate
for the want of it in the
interest of service thus the Secretary & Clerk in the
of a minister of State having perhaps -

ability or will or expence but the Member has all
the credit & reward. He acts the general character
where no great honor or profit is to be got in an office.
It may probably be well & judiciously settled

circumstances

So when men are in their own place & have an opportu-
nity of cultivating their talents & gratifying their wishes they
must feel happy & easy & be disposed to be pleased with
every thing around them a rational love to our country arises
from seeing all affairs generally settled with proper per-
form such as inspire the confidence & have merited the
esteem of the public such a situation constitutes political
happiness & exerts men to love their country justice
order & arrangement of every person according to his me-
rit are the circumstances that serve most to distinguish
a country that is well-governed from a contrary one
in order that a community may be ruled on the high-
est degree its members who are in private stations
should be relieved of public anxieties & have leisure
to attend to their own interests & those who are chosen to
serve the public ought to be relieved of personal anxiety

is occupied only in what relates to the public the order
to be capable of loving his country a man must first

content with the arrangements of others.
hence persons that are in want of disappointed energy
in their circumstances & seeing the state of others are
apt to be always with the government
& political state of their country suspicious of the skill
of the governors

on the other hand those who are in power &
sava: who occupy a situation that is to their mind
an always much attached to their country & persuaded
that there is no place in the world where merit is better
rewarded & that its affairs are in a most flourishing
& hopeful condition

Young respects
by that of their own honor Dr.
as giving a most
flattering account of the situation of Great Britain from
the very circumstances in which he found himself but in-
feriates at the same time that a change in his pri-
vate affairs would entirely alter all his views of
the state of the public

"Strike off his person are the fitting pun

"And Britain if not Europe is undone —

properly employed so that they may be pleased with their situation & avoid as a change of it because when they are rightly disappointed now & unemployed they are ready to throw the whole blame upon the times & to consign a government upon the same principle. Ministers have often ground themselves & literature.

in order that those might be quiet & by having something to lose in the present state of things may not be disposed to wish for a change on the contrary those who are disappointed most commonly to consign a government

indolence extravagance or intemperance

who having nothing to envy those that have any thing & as jealous of power from hatred of their present situation would wish that all things were turned up side down imagining that they would be profited by the change merely because they know that at any rate they can lose nothing. All revolutions in government are generally aided by persons of these characters & if their desires are not gratified under the new government they will be equally ready for a new revolution now all wise governors who really love their

that purpose
that they should be properly employed each of them stationed in his due place the encouragement of all the

promoting of knowledge & industry

not only because they pro-
tect the public trust because they occupy the talents of active
men supply their ~~wants~~ reconcile them to their condition
& prevent them from complaining of the constitution or admini-
stration of government thus their measures which have
contributed to the great satisfaction of the citizen.

admiration & esteem
of the public & State is nothing else but a great family now
as that family may be said to be well ordered & governed
if each every member in his own place does his duty with
as much with his own reward in the same manner a State
is happy in which the private affairs of the citizens are man-
aged in a good situation which much depends their mind to
contentment & good humors for however highly some men
may value Liberty & with the heavier yoke. In the first
they may let the first but can neither let food drink nor
clothes to them & without property must be quite taste-
less & depreciable of the citizens of the United

that applied
themselves with vigor to promote their private affairs to
pay their debts

to encourage useful arts to employ ingeni-
ous & useful men who might do honor to their country

as well as let jangling about

Government

that unhappily foolish councils prevailed foolish & dishonest men were employed & idleness was encouraged instead of industry & men seemed to think themselves all princes & as much

Soil nor spirit yet are gorgeously arrayed by these distracted councils foreign trade was encouraged instead of domestic industry & manufacture & though men loved their money yet as if they had been possessed

this Country they threw it away without thought by importing such an inundation of foreign luxuries as all their money & industry will not be able to pay for such men need not attribute their misfortunes to government which could be neither more foolish nor more wise than they themselves made it but government wanted strength wisdom & spirit & energy the

Settlements to supply us with luxuries by way of tribute & now we have no money to find to market

really wanted & should have endeavored to

acquire

to pay for the crown or government we
have given in so had a name among
useful people from sitting
among us have all originated from our want of wisdom
in our private affairs mind grudge at finding outlay of
money yet they are eager to purchase the commodities

to the cause they pretend to blame & alter the effect
how much or how little wisdom there is in their conduct
we need not say one thing certain that it ought to
be laid aside therefore our influence as a nation must
soon come to an end if the citizens could be made to
consider the state as the equal parent of all its citi-
zens distributing equal benefits requiring equal
services they might then be said to be in a right
way of thinking but the case is commonly the very
reverse

unless the public Treasurers unless the public transac-
tions were constantly distributing paper money gratis

proposed that a sum should be lent by govern-
ment to each equal to half their estates but what

profession but are justly waiting
in expectation that nature will make them rich by
working miracles the industry & frugality of individuals
is the sole parent of prosperity

Patriotism likewise because
those who have gained any thing will always be so
much the better affected to cherish the useful arts by
offering to every one a warm friendship.

That a perpetual & indefinite
war must be followed or encouraged as
they force to create industry by labour without
waiting for the revolution of the seasons Indeed
wherever the state confines political consideration
a public literature employment is a particular order of
men who sacrifice the rights of the community

Republic
where every man has an opportunity to display
his talents he may expect at least to have a
much better chance of being considered & employed
than in monarchical countries where

particular orders of men & the exclusion of others & both
the faculties of reason & the virtues of the human heart are
best cultivated in arduous situation & in the exercise
of public duties a person capable of great exertion will
find his mind & heart infinitely delighted by it
& will be able to take pleasure in the prosperity of the
public. To do some service at least even in an evil
day is not a little consoling & the talents of men
are not likely to show with greater brilliancy than
in arduous situations. "Vexatio dat intellectum"

"Arduus labor in re multa comitatur"
For times of public

arise what ever
come in some degree the general corruption & in a man
ner to redeem the character of the times there can scarcely be
more need of such persons at any time than there is
just now in this country

Lect. 10th April

In investigating the possible institution or form of

government it is impossible to arrive at certain & determined
The answers of such inquiries being more
a hypothetical notwithstanding what we may conceive in gen-
eral or desirably for mankind every political question must have
a reference to some particular case & must be determined accord-
ing to the circumstances of that case. Men of speculation have
in vain endeavored to fix on a model of government equally adop-
ted to all mankind we have seen already that all the actually
existing forms of government are well as all the different plans that
have been made of a perfect one uniformly suppose something in
mankind which is not in them & pay no regard to certain prin-
ciples that are undoubtedly found in human nature on this ac-
count no simple form of government can either be permanent

subsist long without some mixture of the others. In order therefore
to discover what plan is preferable we must first suppose the
people to be governed under a certain state & of a certain charac-
ter because it is only on this supposition that any one form can
be said to be preferable to another. The varieties of the human
character the different situation of mankind & the imperfection
of all conceivable forms confine all that we can deliver as conclusions
of Science on this subject within very narrow bounds but this is
necessary from the nature of the thing & the goodness or badness
of any form of government is merely relative & consists in its
being more or less suited to the character & situation of a

particular people If any one form proposed a general
situation or if mankind were situated in one state or were
possessed of any one uniform character our conclusi-
ons on this subject might become certain as well as more
numerous but the indefinite variety of the characters of
men the manifold changes in situation & the varie-
ty of characters of individuals exclude all higher degree of
certainty all that can be discovered then in this subject is
first to make some suppositions concerning the state &
character of men & to compare these supposed states &
characters with the several forms of government in order to de-
termine which of them is most proper for each & in applying
the doctrine dependent we must examine how far the charac-
ter & situation of any people can be said to coincide with
the case supposed perhaps no one people is fit to be go-
verned in the very same manner with another the diver-
sity of the temper of men compared with the conformity

to the Philosophers whether we consider those idiosyncrasies
or peculiarities of temper as the effect of different material tem-
peratures or bodily constitutions or whether we consider them as
habits of the mind induced by circumstances & continued by
custom we are to consider them in this place as they affect the
mind without deciding on their particular origin one people

E. G. is cap

Prove them another but from various circumstances that con-
cur to form national characters one people being in general
much more disposed to duty & much greater lovers of order than
others. Thus the conquering armies of Scandinavians which
settled in many parts of Europe were accustomed to obey their
leaders in war & easily continued this habit after they were
settled in the case

though very far from absolute obedi-

ence. In Asia again where slavery first took its rise
the minds of men are easily deceived & they are apt to be
governed by superstition so that mankind in that quarter
of the world have always believed themselves to be the proper
ly of some body or other potent power to a divine mission or being
dependent of

In war there have been uniformly sufficient to engage the attention
of mankind in that country indeed they always obey their
lords & never revolt from anyone except in favor of another
who has taken more pains than the first to subvert them
of his right to command their obedience no Asiatics ever
fought for themselves nor even dreamed that they had a
right to liberty hence they have no notion of a republican
government & an incapable of conceiving even the
possibility of such a thing when the Dutch began to
trade to Africa they endeavored to make the natives -

to make them conceive that there could be any nation
without a master so that finding themselves despised by
the Asiatics as people that belonged to nobody they
were obliged to pretend that they were subjects of the
Emperor of Orange in order to meet with tolerable respect
even in that country

of Brazil when they got pos-
session of that country the ancient nations of Europe appear
to have been generally of a more jealous & haughty cast of
mind so that we do not hear of these long reigns or ex-
tensive monarchies among them that are so frequent in
Asia. On the contrary the Europeans appear in general to
have been always prone to revolve charges of Princes
& of forms of government. In Asia one despot has uniformly
succeeded another the Kingdom of

two or two or more may have been
united in one but Despotism has been uniformly the form
of their government & slavery the condition of their
except the ancient Europeans or their migrations
from Asia seem to have been among the first that
discovered any knowledge of the liberation of men though
they migrated under the conduct of such the authority

much life after
they arrived in Europe than it had been in the mother
country as we find there generally a long time before
they could prevail upon them to dwell in cities or even
to have fixed dwellings of any kind. Some appear to
have rebelled against their chiefs & to have murdered
them & perhaps the transmigration of Cadmus & Hermio-
ne the founders of Thebes

to cover their being murdered by
their rude company whom they had conducted into
Boetia &c.

up to heaven in a whirlwind - to cover the sto-
ry of their being killed in the same house but
the people were not so rude in the days of Julius Caesar
so that the same story could not pass a second time
perhaps the description of the heads of sundry migra-
ting Tribes which we find in ancient tradition might

of the same kind as we see that it was very frequent
among the ancients to describe the migrating chiefs or heads
of Tribes Government in every part of Europe from
the beginning of the settlement has always been very

fluctuating any degree of stability that appears
in it being only among the barbarous Tribes defini-
ted by Caesar & Tacitus the Kingdoms of Scythia
Ethiopia with many others

that are mentioned in ancient times were & but of short
duration & many Kingdoms lasted only the age of
one King It would be almost impossible to think that these
very Kingdoms were made up of happy Tribes who
perhaps had changed their form of government several
times over before the ~~period~~ period of which we have
any tradition The Monarchs in Europe appear to
have been very unjust & their governments were ex-
posed to continual revolutions

Tray & the stones that are
related by Ovid of the Rape of Europa as well
as the history of the Trojan war & the misfortune of the
family of Oedipus are all of them strong illustrations
of the same position namely that the first settlers of
Europe were in general turbulent impatient suspicious
and extremely hard to be governed The dispositions
of the Nations in modern Europe appear to be com-

surrounded of
ancestors other the Muscovy & Turkish Empire retain the
ancient temper of Asia we read of no rebellions among
them except when they were excited by impostors pretending
to be of the imperial family Germany & Scandinavia
have always had a mixture of strength & worth
in their tempers Italy admits of the like vanity Spain
retains the Asiatic character & great Britain makes a
world by itself but the modern French seem to have
blend them

in a most union manner in their national character
as they have at once a great elevation of mind & a
strong sense of honor & at the same time have always
regarded themselves on their obedience to their Kings
The French from whom they

of Liberty that they
adopted their national appellation from & were
zealous in

far from being absolute the
French national character unites elevation & submission
they have the highest opinion of themselves their nation
& characters yet they know no will but that of their King
whom they consider as the visible representative of

The Duty upon Earth Even the intelligent Mr. De la-
Mazuerie admires how people can pretend to have to
have any reward for God when

a treatise
published in the age of Lewis 14th. after the delineation
of each moral virtue they are uniformly represented as
existing in their just suspension on the character of the
Prince & every sentence in the Book concludes with
an Eulogium

Voltaire informs us that the French academy
had once proposed it as a prize question about of the
things which was the greatest but the thing
academicians & other divines

curers.

making
the merit of several Saints in
Saints as they
endeavour to extenuate the merits of all the rest in order
to make the Saint of the day appear to better ad-
vantage the thing concerning all this we say forbids
the question &
is delicate a subject as the enumeration

© ended the

virtues of Lucretia the the were of too tender a texture
to endure defenceless contempt or extenuation & un-
doubtedly all of them would have been dashed to pieces
against one another if the Academics had been per-
mitted to proceed. It was therefore the greatest prodence

the fullest end to that portion of Law to
suppose all right power honor dignity & authority to lie
in the Prince ended they consider all their Princes as
naturally possessed of all these & both their happiness &
their obedience appear to arise from this belief the hu-
man mind is always elevated by contemplating the
idea of worth honor power

or force & on any object real or imaginary
in which it thinks it can discern them habitual
sentiments of respect dignity honor & virtue are elevat-
ing in their very nature

Prose only that can be conceived
when the King is at his devotion ~~that~~ to the altar
& thus faces to the King as if he was the real object of

their worship which is ended after the case they
take an interest in his glory & conceive their happiness
or bound up in his name if all mankind were able to
continue so agreeable a description we would not

absolute monarchy the best form of government the pe-
tions with which they entertain themselves are certainly
very delightful

power & honor regards us & studies our wills
to think that we see this being & that we discern
the undoubted proofs of goodness in his behaviour gives
a great confidence as well as a high degree of elevation
to

a person who is truly religious is
confident happy & contented because God who is a being
infinitely perfect presides over the world & controls the
operation of all.

even the same manner a
Frenchman having the fullest belief & conviction of
the excellencies & virtues of his Prince is convinced
that every thing is possible & that if the
Prince ever errs it is only through an error of good-
ness or by giving credit
more real happiness

other. The pleasure of imagining that they are happy & cer-
tainly with regard to the present state. The person who
thinks himself happiest is contented by the happiest
man as Seneca observes "non est beatus

is that it is impossible to continue the illusion for any
length of time especially under great difficulties & fre-
quent opposition so that the French have now lost much of
that satisfaction that they formerly enjoyed in admiring
the virtue of their King & appear now to be as fond of
liberty as other people

other that liberty will extricate
them from their present difficulties. The suspicion of
men contribute very much to their unhappiness.

Sorrow -
It is as natural & unavoidable to be distressed & de-
jected at the thoughts of villany, selfishness, deceit,
deceitfulness & selfishness as to be elevated with the ideas
of truth, magnanimity, honor & justice. The question
only is how far these latter prevail in the affairs.

of men & necessarily renders us unhappy in
thinking of them as guarding against them to
admon excellence in creating a delightful test to
guard against defects is necessary though far from
being agreeable —

Lecture 102 April the 21st 1799.

The circumstances through which a people have
passed have commonly a very great influence on their opi-
nions concerning different forms of government & by the
change that they have undergone in many places it may
easily be discerned that the opinions of men on this subject
are as liable to change as their situations in many small
States in Greece republican & monarchical government
succeded each other several times over & the bloody Me-
thods that were commonly taken to establish each of
them led to the same or their turn each State seemed to consist
of two factions one for a ^{power} & the other for aris-
tocracy or democracy & these two factions used to banish or
murder each other alternately according as either had the major-
ity when there was no balance or check on the will of the

people a majority will often pursue to very high measures
e we find that popular murder & banishments were the
most common methods that were taken by these hostile
people for suppressing minorities & displacing & estab-
lishing of the greater number. The con-
flicts were frequently so numerous that by means of a
small army from a neighbouring prince or state they
were often able to restore themselves by taking their own
city by force & to murder and expel their antagonists
in their turn these changes are so frequent & striking
in ancient history that Mr. Hobbes in the last century
translated the history of Thucydides into English in order
to recommend monarchical government to that nation
by setting before them the numerous mischiefs & banish-
ments & civil wars that prevailed so much among the
greek republics they are indeed very worthy of remark
& serve to display the weakness & wickedness of men
as well as the utter impotency of all forms of govern-
ment what soever but Mr. Hobbes was sorry for what
he had done afterwards because Thucydides not only exhi-
biting

republican

government but likewise its corruption; & the security that
it is capable of giving to the rights of mankind he was
employed by the minister of Charles, the 2.^d to reconcile
the English to simple monarchy, for which purpose he
wrote his *Leviathan* in which he shows himself much
prejudiced against the rights of man & the rights of man which he
thinks tend to make people passionate & rebellious to their
prince. It is truly surprising that this opinion of
Mr. Hobbes endeavored to inculcate for the purpose of support-
ing absolute monarchy should have been adopted by
Huguelians who profess to be zealous for the rights of man-
kind nothing

freedom than the ancient au-
thors of Greece & Rome who had the most distinct know-
ledge of the rights of mankind & yet that whom all the
world counts slaves full of slaves the grandeur of
gentlemen as well as their exact

we thus employ will always re-
commend the study of the classics to all that are not
Protestants, & will under this denomination equal to that of
the world & others differ from each other in respect of their cha-
racter & respect to their state or condition. The character of
a people respects their degree of virtue or of force & other

1
rely for the discharge of civil & political duties. It is common
to too many political writers to consider mankind as uniform-
ly governed by interest & ambition alone & to resolve all their
actions indiscriminately into one or other of these two principles.
It might be easy to show that society cannot be supported by
interest & ambition alone under any form of government
whatsoever a sense of duty or what is commonly called moral
principle prevails more or less among all men & the de-
gree of its prevalence constitutes what may be called the mo-
ral character of a nation. In every society there is a great in-
equality of estimation as well as of property & enjoyment
of the comforts of life more often were wholly determined by
avarice & ambition as some writers would represent them
& without any moral principle whatever they would be
incapable of submitting a single day to any form of go-
vernment. Because those who had less would immediately
endeavour to have more & all things would soon be disposed
of according to the will of the strongest the pernicious scheming
Livellers who have ruined all moral principles

than by demon-
strating the utility as well as the utility of moral discipline
& the good ought to be clothed & convincing in order to be
a counterpoise against the ingrossing & conceited

rapidity of men destitute of moral principle

Moral principles are the only guardians of property or
well as of life of all the rights of men & the ^{pleasure} existence
of every celestial society depends wholly on them. By
means of moral principles one man can govern many
millions & the minority of a society can control the ma-
jority by having a friend & supporter of their authority
in the breast of every man. The obligation of oaths was uni-
formly proposed by the ancients to be one of the great sup-
ports of civil society because without it the most solemn trans-
actions of men would be quite ludicrous & uncertain &
the security of their lives & rights at all times very pre-
carious. The ancients universally considered religious
belief & the sense of a deity to be essentially necessary
in order to qualify men for being good citizens. That they
thought that none could properly be such without it some
of the moderns have in our times pretended to be much
wiser than the ancients in this respect as well as as many
others & have sought their pleasure to distinguish religi-
on from morals & morals from government & thought
they have retained the ceremony of an oath as a mean
of binding men to their civil duties yet as no —

as such every man may put whatever sense he pleases upon the oath which he takes & may even disengage himself from keeping it because that would only be a certain mode of religious belief which could not subject him to any punishment nor affect his privileges as a citizen. The sense that all men must have of the obligation of an oath must depend entirely on the nature

religious belief because an oath is a religious bond & where there is no decided religious belief it cannot have the least tendency to bind a man of no religious principle. & who considers all religious principles equally true or equally false may take contrary oaths without violating any of those principles that govern his judgment in the matter for if nothing is fixed with regard to religious belief in a nation or in the minds of individuals they will always have an opportunity of attending in their own sense & will explain their oaths according to their humors or interests & probably make a jest of them altogether such licentiousness of principle naturally gives rise to oaths. Those many thousands of men in the state of Massachusetts who rose in rebellion against the laws of their country had no doubt all

of them taking the oaths of fidelity required by the consti-
tution of this country but they used this liberty in
putting such sense upon it as justified them in their own
opinion against the liberty of explication with regard to an oath
in a very great extent these men did not say that their
governors had acted against law or that they had in-
fringed that constitution to which they had agreed in
common but by views of interest & ambition which are so
much relied upon by some political writers together with
loose and general principles they were led to violate their oaths
to endeavour to deprive a government which they themselves
had lately assisted in setting up It is true that govern-
ment men

in a great part of the mem-
bers of a state honor with some men may supply the place of
honesty & interest in another sort may operate for some
little time at least instead of a sense of duty but the
continuance & even the operation of these principles
is extremely pernicious There is a certain degree of depravity
beyond which if the corruption of a nation ever reaches
fourth must immediately displace all political autho-

erty & union is founded entirely on a fiction in law
it can have no strength whatever except what it borrows
from moral principles so that when these cease to have
any influence with men they become quite incapable of
existing in the order of a regular society & we have seen
that the other principles of Interest & ambition upon
which certain writers depend so much for the per-
formance of civil & political duties instead of mo-
ral principles are so far from being able to supply
their place that their tendency is quite of an opposite
nature & they only hasten the ruin of the society
or throwing it into the hands of a Despot. It ought
to be the care of all wise & good governors to use their

from such a degree of depravity as produces the disso-
lution of order & the distance of any individual nation from
that degree of depravity constitutes the exact extent of
their virtue as well as the measure of the duration
of their government. It was an ancient & universal
precept till of late years that the study of religion which
teaches men how to grow daily better was the most

Spirtual is only method for preventing them from
giving up according to all governments would be
superstitious religion as the great bond of society & the
last & only security for the performance of civil & poli-
tical duties on the part of the citizens but some super-
lucal & unthinking men in our days imagine that
they are a great deal wiser than the authors they
pretend to have discovered that religion

except the public
who has no religion at all or the man who most conspic-
uously performs all the duties that it enjoins & most fir-
mly of the obligations of it whether this opinion be a
symptom of a disbeliever of society would be worth while
to enquire did our plan allow of it but as this is not
the case

the words great or small were ex-
plained in this principle & a society that is united or organized
upon the admission of it does not appear to promise any con-
tinuance for let us suppose that there were only two kinds

that we were bound to keep our contracts & the other pro-
posing that it is lawful to break our contracts now
suppose these two religions rest entirely upon a level

universal equal liberation in case for any person
though he were not a philosopher he for what if you
would immediately get the ascendant in a state &
entirely abolish the other those that thought themselves
bound by no contracts would desert the laws & prevent
their execution

their lawful debts & the state must
immediately go to ruin as it could not ever for a
little time preserve such an ascendancy of licentiousness
our uprightness & moral honor moral principles therefore
are the only cement of a society & whenever they are given
up or when is the same thing publicly held to be en-
tirely different & on a level with their contraries the
Society must fall in a little time as long as
knack of faith is reckoned generally disgraceful mo-
ral principles cannot be

to be infamous no oaths can
any longer bind a society is very near to end. as I have
said in the former discourse to explain in what man-
ner the notions of the French nation contributed
to their happiness the same notions contribute equally
to the support of society If a strict regard to honor is found

misery orders please the Prince it will immediately
become a national

among the French according to the differ-
ence of opinion as to himself was of that nation -

"Rugis ad exemplum totis compunctus orbis

In like manner of cheating lying & cowardice are
universally considered as disgraceful by those who are
respected & honored in society they will soon be generally
considered as just by all the rest in order to be esteemed
by those whose esteem is supposed to be worth striving
but if a society have no common duty of esteem
of one another

in this case it is not conceivable that they will be con-
sider any other restraint on their transactions except a
regard to their own safety & if they think they are
secure on account of the weakness of authority & neg-
lect of the execution of the law it is scarce conceivable
how they should be restrained from any crime that
offers which they have an opportunity of com-
mitting nor safe minds who are incapable of
find that

because nothing but it
fear which is the governing principle of Despotism
can restrain men that an depletion of moral principles

in a moral republic even to endeavour to erect any other
form of government among them to keep them in order
after they had renounced moral principles they could
not possibly succeed in that attempt fear is the only
principle that can command that jealousy which has been
excited by the exigence of falsehood

expire in such
a republic together with virtue so that interest & fear
are the only principles that can left to govern the mind
where virtue is extinct accordingly we find that the
subject of Despotism consists of men who are in
their governments & are governed by interest & of slaves
who have no rights whatsoever & are under the
dominion of fear the most liberal form of a free re-
public can be of no use or continuance among a vicious
people for as greatly is the growing evil of —

or perform itself whenever it is interest interest & has are
the only remaining principles that can keep men together
under any form of government & these we have seen lead
immediately to despotism Dr. Adams supposes interest
to be the sole foundation of the American constitution
but he is certainly mistaken unless he only means that
those of the people who oppose despotism were convin-
ced that their independence would be ultimately for
this.

that they are founded in moral principles &
a conviction of the just rights of men as worthy of being
defended at any sacrifice of interest had been the sole
principle of those who shook off the dominion of G. Britain

their property or many of them did much
more magnanimous views than interest are certainly neces-
sary to induce men to make such sacrifices & to exert such
efforts

the rights of mankind are absolutely
necessary for those who expose themselves to danger or
suffer the loss of their property for if every man had only
been moved with the thought of what he might

in the beginning of the contest that he was for us & that
the it was revealed from heaven that 999 men out of every 1000
were

of private interest could never lead men to suffer
such odds. It must have been a sense of honor & virtue & be-
lieve in the maintenance of a zeal

The American revo-
lution is evident from the manner in which it was
accomplished & it is these principles alone that can con-
stitute to support it or indeed any form of republican go-
vernment

secured for gained
a much has been lost by it but of the revolution which
was undertaken for supporting the right of man & for pre-
serving the human character from being debased by slavery
continued to be supported on the same honorable principles
It will then be wholly to be permanent as well as
profitable in the end

Lecture 103 - April the 22. 1809.

The authority of the law & the power of magistrates

infallibly upon America whenever the public belief of that
system of law which constitute their form of government is
shaken their passions & contempt will suggest many excuses for
withdrawing their obedience from a grating & despotic form.
This form often excites a total abhorrence of all government what
power now a free government as such ought to retain the
affections of the people more & longer than any other but when
a people come come to alter & destroy a republican govern-
ment there is no sort of probability that any other would con-
tinue them. The particular tendency & capacity of any form of go-
vernment to support itself & to enforce its obedience among
the citizens ought to be reckoned among its advantages as
well as its tendency to secure the rights of mankind whole.
At last a government may be said to be very corrupt when
all its principles & constitutions are constantly applied only to preserve
its form as the form of a government is but a secondary end of it
& the preservation of the rights & promoting the happiness of men
is the first end of government with respect to which all forms
are only means but when the preservation of the form is the
chief or only thing attended to in government it has al-
ready ceased to be of use & therefore a sudden change this
however is constantly the case with regard to despotism
Every thing in it is arranged so as to fulfill the will of the

Despot is to secure to him the absolute possession of the state
as his property. The happiness & even the existence of the sub-
jects being no farther considered or regarded than insofar as
they may be means to contribute to these ends. A good govern-
ment is that which supports itself by actual experience of
its utility & which stands on mud of no terrors for opposi-
ing its form. A good government may be supported by
force against internal as well as external enemies may it be
the very disposition of a good government that it is an institution
intended to use & apply force in support of the rights of men when
any form of government is held to be a good one by the people it
cannot be changed till a change takes place. Their opinion
but there are many causes which may sometimes bring a-
bout this in a very short time. The possession of power even for a
short time is found to have a tendency to corrupt & intoxicate
men if they are not supported by strong moral principles &
animated by a true zeal to serve the interests of their coun-
try & according to the observation of Cicero long ago the contem-
plation of the shortness of their term renders bad men much
more eager to make the best use of it for their own ends &
to play the tyrant to a great extent while they are in power
because they are sensible that they will not have an oppor-
tunity of doing that part long. The shortness the dur-

ration of power in the public is not up either for the
preservation of liberty or the other rights of man unless the
citizens are careful to choose men of virtue & moral principles
because in the hands of bad men the rights of mankind
must constantly suffer & all political checks & limitations
of power prove to be of no avail on the other hand liberty
what is the power of disposing of ourselves tends no less
to corrupt the greatest part of mankind to flatter their
vanity & to make them much less sensible of the rights of
others as well as to desire a change of government from
wantonness or expectations of private advantage moral
principles therefore are no less necessary to the citizens in
general than to those who possess public office and if there
is little or no virtue in the electors it cannot be supposed
that those whom they elect will be men of a character
opposite to their own there are certain infirmities which
may infirmly produce a want of moral principle an
impatience of rule & an incapacity of defending them
Johns then we know that the Roman people lost all
their courage & activity by looking on the Theatre
& bestowing their whole attention on the public amuse-
ments of that & the Circus the Greeks had already

left their liberty in the very same manner In more
modern times we find that the Spaniards became effeminate
& inactive by the possession of great quantities of gold & the
indolence of their Ball game which made them lose all their
valour.

or of activity necessarily draws after it the loss of liberty because
Despotism is the only state in which indolent or bad people can
be kept in any order. The state & condition of a people

by a great number of circumstances but
chiefly by their capital subordinations the extent of their
Country the degree of civilization to which they have attained
& their disposition & capacity with regard to useful arts
Capital subordinations are founded on distinction either ori-
ginal or adventitious original distinctions are the difference
of Capacity disposition & some adventitious distinctions a-
gain arise only from both the former original distinction
makes their appearance & prove to be useful in unsettled
times rude ages & the first beginnings of government -
Several of these such as courage sagacity humanity jus-
tice eloquence & dexterity have at different times led their
possessors to sovereign authority or public esteem & these
qualities are so popular in disorders that even those who have
none of them always pretend to have them in order to
imprint themselves into the esteem & favor of the

public the Pomp & gravity of Things and designed to
impress the Public with an opinion of their wisdom &
the

these means are generally supposed to be habitually occupied
with great matters whereas private that lay aside their gra-
vity as Nero did & added themselves to mean pursuits or
put themselves on a level with ordinary subjects soon lose their
authority & become contemptible to those very persons whose
favor they strive to gain advertisements distinction may arise
from compact authority or opinion the old men whom the
nucleus chose for their Councillors of State belonged to the
very same mass of subjects as the rest of the people & it can
scarcely be supposed that their wisdom or virtue or the abi-
lities & accomplishments of their minds were any way con-
siderable yet merely by being joined to the rest & by
being placed in a station that was supposed to merit
respect they learned to respect themselves to behave
in an orderly manner & to act the part that was assigned
to them at least with external gravity & dignity anx-
ious to maintain the reverence of the public they watched
ourselves

to appear
something superior to other men & it appears that
they imitated the spirit of their station & especially that

positively were held to be of a higher rank than others &
the notion of y^e elevation soon inspired them with high
thoughts & soon afterward with contempt of inferiors
In like manner the thoughts the more consider y^el-
ders of freedom yet because they joined in haste & by
e were elevated near those just above those who joined in
last & had thus hope built up them by the public
immediately imagined themselves greatly superior to
the common sort of citizens who joined in first & at
their own expense artificial distinctions an of the great
est use in society when they engage the vanity of men on
the side of virtue & the performance of duty when the practice of
any virtue such as truth or honesty is supposed to be inde-
pendently necessary for supporting a certain rank with pro-
priety these virtues that are dignified will be esteemed &
generally practiced & when certain vices such as cowardice
cruelty & treachery are supposed to degrade men & to
degrade the rank which they hold the circumstances will
operate to the discouragement of those vices & the practice
of the opposite virtues artificial distinctions

opinion & connected with the
practice of some virtues have often produced incentives to

worthy action though in this case they have only served to
enlarge the list of misery we may say of adventurers how
what Homer says of Shame that it is of great hurt & a
great advantage to men

" Doos el ardpas meyas

Edon

Even the Norwiff order of

to their vanity because they saw the
whole race of slaves beneath them & the privileges that were
conferred on them by their political constitution were ample
enough to meet their vanity though they had not seen a
whole nation of wretches below them they eluded the consuls
Orders & Edicts they made or unmade laws & they were
exempted from capital punishment for any crime what so ever
except high treason their rights of citizenry were sup-
posed to be so great that banishment which was only the
consolation of them was considered as equal to death it
would be very absurd to pretend that the Norman citizens
were not elevated with these

thoughts were not
still men elevated by the greatness which this political
constitution gave them above their destination as well as
government & authority is a mere fiction of law & custom
but has always a wonderful effect when it is believed

inquiries it
encompassed with the multitude & lays the foundation of con-
descendence & gratitude & grows an incentive to honor & en-
rage & elevation of mind which lead to the most useful
& splendid actions those who in the political arrangements
of adventures or political distinctions are placed in a
middle station so that they have superiors as well as inferiors
have their haughtiness as much humbled by the consider-
ation of the one as it is exalted by that of the other those
therefore who are in the station are most likely to possess
wisdom moderation activity & the spirit of enterprise
so that their distinction is in favor of their morals as well
as of their activity & exertion of the powers of their mind
but a people who have only superiors & no superiors are
unavoidably hurt by that distinction & both their natural
& moral principles must be injured in a high degree
a nation which has no adventures distinctions & which
at the same time possesses power is not likely to sub-
mit long to any form of government whatever such
people being accustomed to command absolutely at
home will be very little disposed to obey when they
are abroad but every form of government unavoidably
requires the greatest number to obey the weakness of a people

of their government to the continual hazard of being
changed by conquest of any of their neighbours who
are in a different condition are in the least disposed to
harm them. The degree of activity & fermentation
that sustains a nation may be reckoned a very
material part of the state of it & to contribute very sig-
nally either to the preservation or extinction of its form
The Romans by being divided into different parties
had always

an individual which kept the powers
of their mind in motion & prevented that languor &
stagnation onto which the faculties of the human mind
must necessarily sink when they have no objects of
imitation. In a well constituted state there is a gra-
dual circulation & change of ^{as some of}
the citizens are always rising by means of industry
& virtue while others are decaying & lapsing by
negligence & vice now both these effects are highly ne-
cessary for exerting the faculties of men & keeping
their minds in healthful motion. The first of them
encouraging the ambition of those who have much
to gain & the other awakening the vigilance of those

any thing to gain or lose by war or civil war must soon
lose its activity & be extinguished. It belongs to the health-
ful state of a nation that it afford no pretext for exciting
encouraging & keeping alive the ambition of men
while at the same time properly & effectually secured
if a state then for afford no pretext of ambition & have
nothing to encourage & reward the exertions of active
minds it will be very easily conquered, as none of
the citizens can be supposed to have any great desire or
eagerness for improving that which is become indifferent
to each other, impossible to conceive greater enemies to
a state than those dwellers who attempt to force na-
ture & to reduce the condition of nature of fortune
of every citizen to an exact equality because this
kind immediately to extinguish ambition & to under-
mine totally indifferent about the public from
which they have no hope of ever gaining any thing
the active powers of the mind become totally
relaxed when men have nothing to hope for &
a free republic without dependence or difference of

condition is as deadly to the faculties of the
human mind for this reason as the most
despotic despotism as it tends to suppress the pro-
duce of science & despair to be without hope or
fear is a state that does not belong to this life in every
well constituted state therefore there ought to be a
great variety of rewards for industry & virtue as
by these activity is kept alive & because indolence
which must reduce a man to poverty & contempt
that will be carefully avoided but this cannot be the
case in a level republic where every one is equal to
every other

activity when he can neither advance his own for-
tune or reputation by it & it is utterly against na-
ture to take pleasure in laboring for others on the
other hand when men are on a path of losing their
fortune or reputation or which is the same thing
have none to loose one of the strongest restraints

there is neither any honor to be obtained by the practice
of virtue nor any shame to be dreaded from the most
vicious conduct if men should stretch their imagina-

beers as much as they please
vicious than the citizens of a
level regulated who had neither character nor fortune to gain
excess impudence indolence malivolence & discord must
constantly prevail among them & abstracting from all
other causes farmers would soon extinguish a society in which
no man had the least encouragement to labour being ap-
red of an equal

inactivity the healthful state of
Nation is when the reward of industry is not so small
as to discourage activity was so great as to encourage it
it in a little time by undervaluing it annuities moderate
wages encourage men to work the least extravagant wages
instead of encouraging in a greater proportion only pro-
mote indolence & intemperance great fortunes sud-
denly acquired are commonly hurtful to the public
by the want of Economy which is commonly disfer-
ed in their possession who never honour labour
in acquiring them Thus it is commonly observed
in England that when was any Nabobs that is
Servants of the India-Company little in any

to labourers & the high price that
they pay for every thing which destroys the morals
of the tradesmen & labourers in their neighbourhood
by rendering them haughtily idle & drives a num-
ber of such men as there in a country instead of
encouraging industry

by its having too much fuel
as well as by too little capital. The people acquire sudden
fortunes being generally without education & void of
taste associate with all the idle & worthless persons
that they can find so that their expenses however
great not being limited by guidance restrained by
moderation or ordered by taste contribute nothing at
all to the improvement of their country either
just a fortune is at an end which sometimes happens
very soon it leaves the neighbourhood much more helpless

worse situation than it was before. Sudden fortunes
therefore are justly considered as hurtful to a nation.
because they lessen the quantity of industry & frugality
in it & encourage the superfluous more than the

to fear they are in the most favorable state with respect to
warfare & happiness but if either their hope or their fear is ex-
tinguished

immediate consequences The want of
the restraints of hope & fear is precisely that which makes
a despot cruel and a slave indolent & desperate The slave
has nothing to hope for & the despot has nothing to fear so that
the members of a civil war the

of Slaves but although a direct & indirect
deflections may be highly useful as incentives to honorable
action & restraints from inhumanity or vice when they are not
too numerous or too easily acquired yet when they extend to
a great number they tend to extinguish industry to encour-
age sloth & to render their possessors infernal home
votaries of vice

cents of Princes are Princes there will be sometimes 30

29 of whom
must necessarily be beggars unless they are enlisted in the
service of some other prince the brutality of Poland compre-
hends more than 100,000 families which cannot all be
employable many of these soldiers consequently are in
service or obliged to follow the meanest trades the mer-
chants at Danzig have generally Polish or German

them their servants stipulate that they shall have liberty to attend all the

of Holland the arguments shall be at an end they likewise stipulate that their masters shall never whip them except upon a carpet which makes little difference in the operation & its effects these circumstances under the influence of nobility & ridicule & totally ineffectual for the end of its constitution We in some what far from being indeed that in

people should be left to languish in poverty & indolence merely because they have had the misfortune of being descended

If the present Emperors who possess great discernment & activity of mind could be able to relieve this abuse it is do them much more honor than plunging the poor man into or promoting the extent of Superstition & infidelity -

Lecture 104th - April the 23^d 1709.

all

or experience of any political constitution or form of government can only be said hypothetically more just questions may be put

upon it diff. ¹ supposition comprehending as many conceivable states of
the members of a society the 1st supposition is that of a people
perfectly virtuous distinguished from one another only by their
original differences & forming states of small extent such a peo-
ple are fitted to govern themselves their supposition is far from
being useful although we know for certain that no such society
or nation ever existed on earth yet it ought to be the mo-
del of all other societies now & to be supposed to be perfectly
virtuous & consequently not only fit subjects but persons of po-
litical happiness besides although no society can be supposed to
be perfectly virtuous in a moral sense yet the existence of a
people perfect in political virtue especially supposing it to
be a small state is not especially impossible & from the
members of a great populous state it might be possible
to collect as many individuals as would compose a small
one who should be perfectly virtuous in the political sense
but a nation may even then the contemplation of perfect
morals must be of the greatest use in politics as well as in
the fine arts even though they should be admitted that no
such model actually exists yet the men that any politi-
cal constitution or administration approaches to such a
model is the more laudable & excellent there must be
natural deficiencies even among those who are supposed

to be perfectly uniform but these natural distinctions on
account of the action of the faculty would further be in-
crease to guide on the part of their superiors not doubt
if any to those who were without them no talents wi-
l be abused or perverted & no unfairness or illegal advantage
claimed or allowed the citizen would mind using one their
own happiness & be as far from encroaching on the rights of
others as from suffering others to encroach on theirs they
might consent to be governed within by the majority
of their own number or to be represented occasionally by
single men now to oblige such men or were chosen
representatives to resign the sense of their own minds & to
follow what is different from it or contrary to it would
in this case be by the supposition a self denoting vice for
virtue because the person who is supposed to be chosen
is also supposed to be possessed of perfect virtue or well as
the rest a greater trust therefore among a people of per-
fect virtue must be an absolute & unqualified one & the
men would that a people are possessed of they are capa-
ble will they be of trusting others as well as men I do
not trust themselves when as the less virtue that a
society possess the less capable are they of trusting.

1
This view of things suggests an argument of great weight against
the opinion of those who imagine that a representative who is
entrusted by his constituents ought notwithstanding blindly
to follow their instructions or even, thing entirely renoun-
cing his own judgment unless that such a conduct is
directly opposite to that

expressly intended & that a representative is not treated
as a wife or as an honest man when he is made the mere ve-
hicle of the instructions of his constituents all the advantages
that could possibly be gained by a judicious election of a repre-
sentative are entirely thrown away according to the doctrine
for there is no need of electing a wise man for a trust in
which he is not to judge for himself & determine for the society but
merely to carry messages & to read

A common servant or a Negro might do this
as well as the most able man of his nation a representative then
for ought to be considered as an honest & wise man as it is
only on the supposition that he is chosen & trusted & therefore
his conduct ought to be left to his own judgment His consti-
tuents may indeed inform him of matters of fact that he
could not otherwise be acquainted with & may even ass-

inally state argument

As to our friends however much they may be our
superiors or however independent they may be of us but
still he might finally be determined

his conduct & the rights

of a party may be said to be betrayed
if they are entrusted to a person who is not responsible for his
conduct the want of responsibility is the widest outlet to
corruption in a republic because on that filtration
men are free from the terrors & restraints of the law
& disposed to follow their own passions without fear or remorse
Others said that there are many such officers even in free
states but if these states would consider what arbitrary
government is they would find that it is only committing
the care of the people to one officer who is not responsible
& it certainly can make little odds on the conduct of
a people whether their tyrants are one or many it
is therefore no less than sacrificing

officers who are not made
strictly responsible for their faithful administration
such a trust can only be made with safety to a
person of great virtue but even in this case such
a person would by no means choose that his virtue

Subject himself to responsibility in the way of doing justice
to his character now as all the society which we are now con-
sidering are supposed to be perfectly virtuous every one is
be willing to bear his share of the public burden & would
renew in his turn that confidence & trust for which he
was qualified by capacity & experience as natural distinctions
must justify even in a society supposed to be perfect by vir-
tues. These would be readily acknowledged & rendered they
existed & being viewed without partiality blindness or
enay

justice as they are supposed to have no adventitious dis-
tinction among them to mar the effect, or to diminish the
test of personal qualities distinctions proposed without
ceasing must without trampling or abuse officers command
without suspicion & burdens supposed without grudging or
novelties or ranters in practice the easily conceive them in
speculation. It is by no means impossible however
that in a small republic especially all the officers
might be upright & incorruptible & all the public
burdens

now very great
republic should have the same end in view & endeav-
ours to come as near them as possible the contempla-

tion of a perfect society
so agreeably that we are apt to forget where we are
thus for instance we might suppose that in a per-
fect government there must be wise laws & not
too many of them & that these laws should
be duly executed by upright judges & magistrates
that these armies would be courageous

But for the most or-
dinary enterprise but we would be forgetting all the while that
a perfectly virtuous society would not stand on need of any
precautions against the commission of crimes & the abuse
of power & consequently that all these institutions which
suppose either of these could have no place among them
being

The whole society might
be occasionally or periodically assembled but any small
part of such an assembly would act in the same man-
ner as the whole being supposed to be perfectly virtuous
the sole object of government in such a society would be
to assemble & direct their force to national & wise
purposes thus public assemblies would
never by orators

to persuade them to what was against their interest
faction they would offer such public conveniences &
accommodations as defend fully & corruption have ne-
ver suffered any nation to resist they would have public
treasures in reserve instead of public debts & would
be at once qualified to relieve the oppressed & to strike
terror into the oppressor Mr. Bayle has endeavored to
arm himself by supposing an army of good Christians

never fight or that they would be
easily overcome but surely if we suppose an army of good
men in good cause & without

impulse & eager to execute

a good purpose united under excellent commanders &
disposed

we cannot conceive

any army that would be more terrible consistent
or operative than the Christian Church
of the union permanence & courage is represented in the
song of Solomon to be terrible as an army with ban-
ners now altho' no enemy has yet been
found to be perfectly victorious yet we might not be

plead any excuse from the imperfection of men be-
cause there is no necessity arising from that

indolent

detached impudent or cowardly information & impressions
are only defects.

which neither exclude the
fact nor the prevalence of it but the absence of
either altogether arises from quite another cause than
the imperfection of men & is owing solely to the loose &
prevalence of view which men however would never def-
ine or even with the best application of imperfection & imperi-
ty

to the community by reforming him-
self we would very soon approach to a state very near to
perfection & in which few or no complaints would be heard
the second supposition with regard to the character & con-
dition of states is that of a people among whom the virtu-
ous & vicious are mixed who admit

degrees & form state of vir-

uous extent now this is not a mere supposition where
the former has a description of what exists every where &
which indeed forms the most general
maxim of the supposition however must neces-

To

by a people among whom an ingratitude is fairly met
afforded us we must have a clear & undisturbed view of
people before a state capable of Democratical Govern^t
because

were found for it was no use at all in a democratical
Government to the state of the society in which the ma-
jority is vicious must necessarily be much the same
as if there were not one virtuous man in it as the laws
magistrates administration & public manners is
all be stained by the vice of the majority. & Pre-
sident therefore this is undoubtedly the cheapest of all
forms of government with respect to money
with respect to virtue

because it requires no less than a decided balance of
virtue against vice & corruption & even a quantity of virtue
equal to the quantity of vice that is in it would be of
no manner of use with regard to its political state

or actual administration a very few good people in
a state.

Answeary either by getting into the administra-
tion or by acquiring an interest with those who are in
it may even one good man may be of immense service
in either of these ways that one good man or even a confi-
derable number of good men in a republic are no use
at all men can be ~~well~~ though they should increase un-
less they should amount to a majority which is in
the highest degree improbable & next to an impos-
sibility. For this reason we find that all the good
men who have ever served republics have either
been put to death or banished or otherwise disgra-
ced by those whose interests they had supported as the ma-
jority even more on the side of justice but of the major-
ity even justices which.

Representatives only their vir-
tues & political institutions might prevent crimes & abuse
of power for we must certainly be constrained in order
to the public safety wholesome laws that out such terrors to
use as is sufficient to make even the vicious abstain
from crimes for the most part having no respect

of complicity

ends here or in consequence of magistrates are equal to so many public encouragements & premiums offered for committing crimes because whenever executed men are flogged that they have little or nothing to

Souly & the rights of others except their own interests or passions or the extent of their physical powers a strict execution of the laws is the most monopol & benevolent as well as most profitable to the public because it secures their safety & their enjoyment of their rights at the smallest expense of the lives & persons of men a good & wise government has always least to do & operates more efficiently on wicked men by its terror than by its actual operations wicked men are afraid of governors who are devoted to justice who give no quarter to vice & who are incapable of bribery & corruption whereas on the other hand a lax & insignificant government have always the most employment wicked men are not afraid of coming

administration which costs the greatest trouble & has the greatest quantity of employment is invariably that which does the least service even the smallest benefit to society the multiplied executions of London pro-

iced not only from the total want of Power & a supposition
being regard to liberty but from the slackness of the ad-
ministration & the numerous ways of escape which
accommodated him in his power than by entering wit-
ness & having all jail attorneys to manage yr
cause for them

private prosecutor & to
triumph over them abuses of power are prevented either by
trust itself by both -

When men have not too much power entrusted to them
they may be less disposed to abuse it or less elevated
with possessing it the oftentimes the case is quite other-
wise but the most effectual method to prevent the
abuse of power is responsibility for if any thing can be
effectual to prevail with a man to be moderate &
just in the exercise of power it must be his knowing
for certain that he must give an account of it in a
private station when his power being exposed can
give him no sort of advantage The Roman Repub-
lic had excellent laws de pecuniis repetendis

a trial at their turn either at the of the

maladministration against. They were also
obliged to produce a certificate of their good behaviour
during their administration subscribed by the prin-
cipal persons of their province.

These means were effectual but
when the contrary came to be the case wicked men were
chosen who perverted all the forms of law for their
own private gain & finally who opposed all those
that were able to accuse them kind corrupt judges & got
orators of their own sort to defend their proceedings & a
much delinquent then became too strong for the law
& when he had taken his measures artfully could
defy & elude in every case when ever money became
the standard of esteem the fountain of honor & the
chief duty of respect in a state it produces the
most disastrous consequences. It alters & cripples
laws blinds judges confounds witnesses & renders the
most evident of crimes doubtful In short money
is as sure to overcome those who love it as reason &

justice is to govern the wise & virtuous —

Lecture 105 April the 28. 1789.

Most of the ancients appear to have conceived that a democratical government could only obtain in the small states because they were wholly unacquainted with the nature & degree of representation all the citizens of the ancient republics commonly met & voted in person in their public assemblies for which reason Aristotle says that a republic could not consist of more than 30,000 citizens but by means of representation a republic may consist of many millions of citizens whose manner may reap all the advantages of democracy & is as more than to compensate for its inconveniences. Party is the chief plague of democratical governments either disorder may arise either from a real or imaginary difference of interests or from the ambition of private men who having misused their election for public offices may endeavour to bring their partizans about them & to increase of numbers till an opportunity offers of getting into the administration the great inconvenience of party is that while it prevails which it generally does in republics public spirit is entirely lost & all the force interest & talents of the state are employed only to fulfill the purposes or to raise the fortunes of private men at the public expense while the real concerns

of the public are wholly neglected when parties are nearly led.
landed they may sometimes occasionally be useful as checks up-
on each other but it happens so often that they hinder each other
from doing any good to the public each party desiring that the
public should get no good except by their hands so that in this
manner the public is benefited by neither & indeed the
history of most republics contains little else than an account
of the conflicts jangling & violence committed by different
parties on their turn against their adversaries so that very little
private happiness appears to have been ever enjoyed in any of them
the best men of every state were commonly the worst used & in Athens
one of the best of these republics a conspicuous character was a crime
which was death to be punished by banishment which they
called the ostracism This impossible to conceive a greater stain
on republican government than the history of Aristides who
passed ostracism for the defended regulation of justice &
uprightness if any thing can expose any form of government
to better disgrace it must be when it makes it a crime for
a citizen to be just & upright yet the favorable pretensions of
republicanism to maintain the rights of mankind has in
this supported its reputation against the very unfavorable
impressions that arise from its actual history The Roman

Republic was a mixed Government yet varied its form at
frequent times by the change of Consuls

of this Decemviri The Dictatorship
which was devised as a remedy for the slow of popular govern-
ment in times of danger "a alarm given much too late"

when it found a Sulla or a Caesar to ma-
nage it The institution of this office was a capital blunder &
operated as

State laws to enable a magistrate without responsibility is
to destroy all the rights of men at once The power given
to Consuls to choose a Dictator therefore was by far the

It may indeed be truly said to be an
egregious error in framing any political constitution to insert
any thing into it that may immediately produce its dissolution
yet the worst system or plan of government always contains in it
many seeds of dissolution & indeed as many as there are parts
in its administration because every thing that is committed to
men may either be done well or ill & every expedient for preserv-
ing a government may be either attended to or neglected now
the wisest statesman cannot pretend to eradicate any of
these seeds of dissolution but only endeavour to prevent their
growth & to delay their operation & tendency to alter the

Ignorant men
indeed who have no acquaintance with human nature
who consider matters of government only upon paper
uniformly persuade themselves that all the tendency of
a government to dissolution may be removed by check-
s & counterpoises or other provisions in the frame of it &
which they foolishly dream of a constitution that is abso-
lutely impracticable & there-
to this world there are very many causes that may easily
dissolve republics or any other form of government but all
of them arise uniformly from a want of virtue in the peo-
ple a Republic may be overthrown by the venality of its
legislature who may be bribed either by a rich citizen of the
land at the same time popular or by a foreign prince it may
be destroyed by the ignorance & incapacity of its
legislature who from ignorance of human affairs may
ought to provide for its defence & expose it as an easy
prey to the first enemy that shall choose to invade it
one of the greatest dangers to which this country has been
exposed since its independence
ignorance of its legislators on
this very head being generally men of that description

a Republic may likewise be conquered for want of har-
mony in its members & one party may call in a foreign
army to enable them to destroy the other. Money likewise
be starved for want of revenue having no constitutional
power to make the laws. spiritual all these dangers have
constantly hung over this country ever since its indepen-
dency & any measure to remove them are yet to come
a Republic may likewise be divided by foreign measures
especially when divided within itself & if no one power
were able to reduce it might be partitioned among several
powers or it may end in an anarchy occasioned by
the violence of parties so that it would therefore be the pray
of the first overbearing Party may likewise divide its
strength & territory by making more independent states
out of one so as to make it an easy conquest to a pow-
erful neighbour but what is least probable though most
generally believed & indeed the only thing that seems
to be doubted is that a powerful & popular citizen may
raise a party that may enable him to assume an
absolute authority & the citizen might be obliged to

her Tyranny Indeed any power or order in the state may cor-
ruptness become the instrument of its dissolution for that power
that is necessary to be committed to rulers in order to enable
them to protect the rights of men need only be turned into
the opposite direction in order to destroy them last a great
Republic can commonly perish only by its own hands

"Allera jam locustis bellis auctus ætas

"Sic Roma virtutis ruat —

But this political suicide is extremely common in the
world in so much that the most of them that have existed
have perished in this manner Republican governments have
been established in many parts where it is now no longer
heard of & all the ancient Republics having perished
mostly by internal causes so that the few that remain are
but of late date & when put together make but a very in-
considerable figure in comparison with the republics of the late uni-
ted states might make the greatest figure

of territory of
which the experiment of real republican government has ever
been made the world beholds with attention & concern the
rise of so many republics at once in an enlightened age &
amidst so many circumstances that if well ma-

naged might lend to their prosperity but as the ground on
which they stand is quite new & as they are destitute of
these defenses of navies & armies that other nations
possess & besides are exposed to the arts of an old
State

which would for their ruin with great pleasure the
other states of Europe must be supposed to be held with
great curiosity & excitement the conduct of these states
as the world has never seen so large an experiment
made upon the strength & duration of republican
Government these nations in Europe that our friends
have been much interested already by the great folly
of our conduct since the

& honor which have been sacrific-
ble both in the conduct of states & individuals & those who
had argued most favorably concerning our affairs begin
much

in our favor The second part of the above supposition name-
ly of a mixed state consisting of citizens & alien citizens is,
that of

or are exceedingly doubtful whether they can retain
if their condition may be settled either for an aristocracy a mixed

monarchy a people
divided into two classes may be fitted best for assisting
the higher class might choose a certain number themselves
to compose the legislature & other officers of government &
might make such laws concerning administration that
they as might appear most equitable & best calculated
for promoting the peace & welfare of the whole the
political happiness of the subjects under this form will
depend on them

the case however little the circumstance is
alluded to in all other civil forms an Aristocracy may
either admit the lower class of citizens to form part of the
government in the way of negative representation or a ca-
pacity for particular offices as they may take the whole
burden of government upon themselves leaving the low-
er class only to enjoy the benefits without the cares of it
& this indeed would be the happiest form

because the lower
class of mankind are certainly much better qualified for
feeling the effects & following the directions of a good go-
vernment than for determining or pronouncing concerning mat-
ters of public utility or considering probable consequences -

or preparing against contingent Evils The People can
have no idea of a state ever being in danger unless it is
actually invaded nor of the utility of any measure if
most of such a nature as to affect their senses they
can scarcely judge of a man's talents or indeed make
any distinction between one man & another except
with regard to his love of money or his generosity they
are likewise apt to admire a man who can talk ve-
hemently & confidently for a long time without stopping
but it is not very material whether they understand

providing that
their conclusions coincide with their prejudices & even
when they judge right they have often no evidence or
conviction that they have done so & they as often won
to what is right in the way of blind confidence or sacrosan-

conservation of the necessity of public revenue & are commonly
from ignorance to a consideration of some measure they know
that that would deprive them of their negative

consider as the most
precious part of their liberty. It is evident likewise that they
know not what it is to sacrifice private convenience to
public interest & are apt to give counsel only when it

the event, now
for this & the like reason it might be thought fit an-
der an answer to allow no share of government to the
without

any share in making or executing them this might certainly
be a sort of learning leisure & easy circumstances if they
are enclosed

business of government than the ordina-
ry class of people can be who can afford only to bestow a little
time on the acquisition of knowledge whose wisdom was all
born with them & whose talents for public business
must therefore be supposed to be very small besides out-
gar souls when exalted to places in government become
quite giddy

in commendation & censure & either to
do nothing at all in the way of their office or thro'
ignorance or passion to do what does not belong to it
some experience of the world & some acquaintance with
human nature & affairs are necessary to qualify a
man even to talk rationally concerning government
but much more of these are needed when he is to
be concerned in legislation & execution
Congress he would

make himself

of his prejudices & the grossness of his
ignorance but even with regard to internal adminis-
tration the common sort of people are generally enemies
to all

they have seen them
• that nothing can be done which has not been done al-
ready The knowledge of other times ages & countries is
necessary to enlarge the mind to free it from local
prejudices & to make it more largely acquainted with
human nature & the sphere of possibilities but igno-
rance sometimes leads men sometimes to attribute

them to those prejudices that men conceive in favor of their
own country often they are generally apt to over rate
their powers thus an Englishman no more doubts that
one of his countrymen is

q. t. g. l. o. s. to make one man

besides the
favorite sport of the English vulgar & ever since thus an
effusion

now an answering cor-

ruption of men of real as well as of relative dignity in-
duced with wisdom experience virtue & honor. Cha.

very necessary funds

might take their turns peacefully
in government according to a fixed plan & by good laws
& institutions & upright administration might make
a people much more happy than if they had been go-
verned

our plan is either will or wisely done though
we are generally disposed to be most gladd with it they
might likewise maintain the authority of the laws at
home & the honor

but the great
difficulty in execution is to secure a good opinion of the
administration & an uniform submission to their au-
thority men have always had an antipathy to be go-
verned

inferiority in those who pretend to be above them
among a number of noble it must always be difficult
for those in administration to procure respect among others
or to make them comply with the orders of government

who govern is very necessary in an aristocracy
Children have not more mind of being kept in subjection
by the rod than grown men by the Scepter the Mace

his Court the solemnity of his appearance & the attendance
of his servants which secured his respect with his subjects & con-
stituted the strongest foundation of authority

Lecture 106th April the 20th. 1709 -

2d. form of government what power can wholly
depend on
as regard to exterior The lawyers say that
the forms of judicial proceeding are the robes of justice which perform
to due respect & protect it from contempt & indignities but the admini-
stration of justice is but one mode of exercising authority In all
the acts of government gravity solemnity & an attention to order
ought to prevail The use of external ceremony is to attract at-
tention to prevent insult & contempt & to excite men to reverence
& obedience It is no disparagement to human nature that we are apt
to be affected with external signs let any man examine what
passer within himself & declare whether he is affected in the same
manner with the march of an army or with the motion of
a Mob or of a drove of cattle he will find that it is impossible
for him not to be engaged with respect for the one & with contempt
& dread of the other It was a clear proof of Don Quixotes having
lost his senses when he mistook a flock of sheep for a great
army of Pagans Though the equality of men's stations needs

in general that an affixed with order solemnity & exterior sear-
dness & the more taste & refinement that a man possesses
the more he will be affected with order & proportion & regularity
in every thing The form of external ceremony is of great use
those religions have always preferred this form the Congress has
made the most use of it When been debated indeed whether
ceremonies can be properly adjusted to religious affections with-
out attracting too much of the notice of the worshippers
Some have asserted that their devotion is heightened instead

Others again have contended that devotion being devoted to
an invisible object must be spent devoted or misdirected by every
thing that is of a sensible nature & therefore have contended a-
gainst human ceremonies or worship They take notice that
in the pagan religion the people were never able to distinguish
between the contrary The Populace always had the image &
the duty to be the same & that when the one was removed
the other necessarily went along with it Hence Cicero in-
troduces the Sulpicians complaining that since
Cicero to in their misfortune
Lucius Verus tho't a man of very great piety had ear-

used them all with them to them but however much
some facts may differ from each other with respect to
ceremonies all of them have adopted music & the order of a re-
gular public assembly

or religious affection. The Speakers a-
long attempt to accomplish that by still solemnity & silence
together with inward meditation which others aid with music
& vocal addresses to the Duty. The late Mr. Hume who as
an Infidel may be supposed to be a very impartial arbitrator
in the controversy

armonious but he says that it is on account
of that tendency to draw off the attention

immortal being to the constitution of or-
der & proportion in the arts of painting Sculpture music &
architecture &c that his defenders really in favor of those
whom they design to condemn

Simple & suitable indeed
to the spiritual nature of that awful being whom
we worship but very unsuitable to man
most affected by the ob-
ject of his senses for the reason he commends the worship
of the church of England & that of the Roman Catholics
as excluding idol
for diverting the minds

Being con-
sidering y^m more agreeably in contemplating the effects of
the fine arts now the Magistrate would certainly
by need the aid of ceremony to distinguish him from others
in the execution of his office as well as those of the other
forms.

equality but may lose sight of the ordinary talents & condition
of man in the solemnity & pomp of the magistrate. Exterior
respect is so necessary for the officers of every government that
when it is gone government is gone & the magistrate has
no more power than any other person. Aristocracies may dis-
solve by division among the rich & other each party engaging
a part of the people to support their respective pretensions
or by the interest of a neighbouring Power with the peo-
ple when the rich & other have made themselves generally
odious.

getting a majority of the people on his side to erect
an absolute monarchy in his person or one faction may
destroy another or the people may or expel
the prevailing one from a regard to the losers. A magistrate
interested in the ruin of an aristocracy must be of the
most hard refusing certain privileges to the remain-
ing nobles as well as giving the people in general the
greatest share in the government. The Magistrate of Hol-

land in order to preserve the people
Stadtholder to represent the supreme
power & to be the principal executive magistrate in
the state

the of a permanent or hereditary
executive magistrate would never be admitted & the ~~effect~~
influence of such a magistracy
would not be agreeable to the spirit of
the people but would naturally excite apprehensions of
tyranny commercial nations of a small extent are from
the result of dissensions that arise from the grant of
art & unequal distribution of property best suited to
aristocratical government or to that of a mixed Republic
however paradoxical it may seem to people possessed of
D. Adams's

opinion that the way to lessen the influence of men of
aristocratic disposition distinguished abilities or great
fortunes among the people was to throw them together
into a society by themselves where their different inter-
ests & passions might serve to balance each other &
they might be considered as separate from the people
at large the bringing men of these descriptions together
into an order by themselves whether it is considered as

drained from their influence with
the people. This very idea is well known in the English
history & has been applied & realized more than once
by intelligent states men in that country when the influ-
ence of Mr. in the house of Commons became dan-
gerous to the crown in England. Administration was very
much at a loss how to proceed with regard to him because
he had it in his power to cross all their measures by the

Lord Oxford who had
himself been long

Thinking which was afterwards made public con-
vinced his majesty that the only method of getting rid
of this dangerous man

Lord which would make the
people immediately forsake him
& Mr. was made

Earl of Bath which put an end to all his popularity
& influence at once

who was then called the great com-
moner could do every thing that he pleased in England &
by his great influence with the people destroyed the throne
with the to be sure a title was just offered to his wife of

look so well the title was soon commensurate to himself
it had the desired effect Lord Chatham became a man
of little consequence at Court & Mr Pitt was instantly
forgotten even his eloquence appeared to have forsaken
most were no longer Catholics of. If it is not thought fit ^{with assent}
the inferior class of citizens should be degraded of all share
of government under an anarchy they may have a share
of the nobles or they being entrusted not with an active part in
the government but only with the choice of those who are to
act for them an anarchy in order to support the nobles ac-
cording to the prejudices of the people may assume them in
such a way as they think safe into a share of the go-
vernment which will contribute

have lasted by interesting
greater numbers in the support of it. In general it may
be affirmed that all the forms of government are strength-
ened & preserved by the mixture of others & the most mix-
ed government citizens parties is much the strongest
mainly in theory more of opinion that a combination of all
the 3 simple forms in equal portions with a common re-

Suppose however that such a form of government
though truly excellent could not be lasting but the
history of England has convinced the world that a
mixture of all the 3 simple species of government is
exceedingly well calculated

unequally predominant in the mixture
at different times & but the great

did not attend to or forget to insist on
its power to comprehend & attract men of very different
temperaments & modes of thinking the truth is that
those who agree in extolling the mixed form of the English
government do it from very different reasons & views
Some admire & approve it considered merely as a monar-
chy when the influence of the crown under the secluded disguise

Government
& by conferring all kinds of offices determines the choice of re-
presentatives in the elective part of the legislature others a-
gain admire it as an assembly in which a man suppo-
sed dignified as well as his property is considered & represent-
ed & secured by
magnatium by which he can obtain large damages
concerning scandalum
against any person who shall be hardy enough to

say any thing

character & when a man of a certain rank can demand an
office of his sovereign when he pleases
can propose an hereditary state in the legislature &
signify judgements of

to his family then are man-
ny others again who adorn the English government as a republic
be in what a small portion is sufficient

of the house of Commons -
then the whole people are supposed to be represented & the
measures of the king & ministry are considered
on his side many

despise the thing & the Lords still he adheres to the prin-
ciple of the Constitution as Mr. Walker did for 11 years to-
gether & thereby

than ever he could have expected from
the crown according to the Pathology of the Antients there
were 3 diff^t humors in the human body each of which
by its prevalence constituted a

division thus Physicians always
talked of Sanguine sanguineous & phlegmatic habits &
they derived almost all diseases from an alteration
in the equilibrium of these humors or too great prevalence

1
That the legislative executive & judicial
powers of a state are analogous to the humors in the
body as well as to the 3 simple forms of government &
that the health soundness & life of a state consists in
the equal temperance & adjustment of these 3 & in this
possessing a mutual negative on each other by w^{ch}
means no one of them can destroy or overcome the other
two It must indeed be acknowledged that in so far
as wisdom & propriety of arrangement can contribute to the
stability or continuance of any form of government this
must be true for duration

of persons of very different sta-
rations & modes of thinking & it is no defect in it that it
is continually exposed to decay & dissolution from a variety
of causes because the same arguments militate equally
against the constitution of the human body

& uncertain duration
now as the body may enjoy health vigor & cheerfulness
notwithstanding its enclosed seeds of mortality

even when it every moment exposed to 1000 fatal acci-
dents
vigor for a long time

Lecture 107th April the 24th. 1789 —

As every form of government rests only on a fiction of law
it may be easily altered by an alteration of the opinion of the people
on which it must always depend so even while it continues its
existence is always precarious. Mr. Toltan quotes it as a proof
of the factious spirit of the English nation that even in the time
of their greatest prosperity Scudder an abridged pamphlet published
which

now as all forms of government resting
on a very momentous view the respect of despo-
tism thus most grossly outward situation is by no means exclu-
ded from this danger & a person of good intention a sound understand-
ing may at any time be so far imposed by the danger that the pub-
lic run as to be able to overcome it by many probable arguments but
there are two sorts of causes from which any form of government may
run a risk of being liable to dissolution one of these that are external in
their operation & another of these that may be prevented by numbers
of contrary causes with regard to the first suppose that the form
of government were universally hated by the people then is a cause
that cannot be disappointed but must infallibly & immediately
have its effect but with regard to an immense load of debt the other
is a cause equally sufficient to destroy the form of a government
yet it is of that kind that may be palliated parried & the effect
of it protracted to an indefinite time for while the interest of it

in point while the of Hoke continues & while the
people by the principle of commerce manufactures are enabled to
bear their actual burdens no man can say how long this disorder may
be protracted this being mortal in its kind it cannot be radically
cured as therefore political happiness under any form of govern-
ment is merely a lottery & depending on a variety of causes & com-
binations of circumstances which we cannot discern or foresee
the lucky as well as the unlucky chances transcend our powers
of calculation so that there is no dividing properly in either
way the very case often exists which attracted Mr. Pitt's at-
tention that in which it may be made appear by probable
arguments that a nation on the brink of ruin it may of
course notwithstanding so as the danger may not even be be-
lieved, as proved by the greater number. In the beginning of the
war 1756 the English nation were extremely unpatriotic &
the state of their affairs around very disastrous events their
ministers were incapable their navy & army ill equipped
& every thing seemed to be against them at this time the celebra-
ted Dr. Brown published his estimate of the manners & prin-
ciples of the times which set before them the decay of their
character & the danger of their condition in a very able & fine
living manner his work however was received with great
reprovement & excited a strong

contained a public affair coming at
that time to be brought to Mr. Pitt a great Enthusiasm was raised
in the nation till they rose above themselves & made the utmost
exertions to avert those dangers of which they had been warned
they then began to discuss Dr. Brown's doctrine & to defend his
arguments & a circulation of the nothing could be more glad
great at the time that it was published & it had in a great
measure the merit of exciting those exertions that rendered
its enditions abortive in the manner when the different
conflictions of the American States were first published

concern among
friends of the country abroad & many wise & good people were
of opinion that the appointment of a council of Censors by the
last session of a

convention besides the other singularities in its form
might prove to be of dangerous consequence & expose them to the
charge of a revolution every 7 years yet that period has once
passed over without considerable harm & tho the Censors

parties of the state who had both departed in very many instances
from the form of the constitution though one of these parties
took their designation from their pretending to adhere to it in-
violably yet these observations were entirely without effect

followed from them & it may likewise be possible that a 2^d
period of years may likewise pass over without any revolutions
& that the form of the government may at least run no more
in danger from this article than from any other cause whatsoever
Of states of greater extent find by experience that neither a
mixed republic nor an empire will suit their situation &
the inclinations of their people a mixed or limited monarchy
will then be best for their circumstances & of this form the
English constitution is certainly the most preferable & most
capable of improvement without any alteration of its essential
parts The 3^d General

which are proposed by the 3
different branches of the English legislature appear to ignorant
superficial officers to threaten every moment to arrest the
operations of government altogether but this very multiplicity
of their concurrence actually secures their agreement & obliges
them to make such concessions to each other as may promote
the common safety now the reason of these 3 negatives

any persuasion that
the Lords are wiser than the commons or that the King
& privy council are wiser than both but they are solely
designed for securing a proper balance of the 3 powers
that none of them may be alone controul or have it in

it power to run the other Money be supposed mixed with
some show of reason that the proposal of a negative by each
of these three powers will produce a perpetual contention
among you or a constant jealousy of each other but this
this is true in some measure yet as the constitution makes
it absolutely necessary that all of them should agree before
any law could be established

moderation & in an amicable manner
each branch is obliged to take care not to encroach or un-
der take any thing that may be probably disagreeable to the
two others the absolute power of making peace or war which
is granted to the King by the constitution is sufficiently
balanced by the Parliaments possessing the power of Taxa-
tion as well as that of augmenting continuing or reducing the
army In like manner the House of Commons possess the
sole power of originating all money Bills yet they cannot
pass no law what so ever without the consent of the other branch
as the commons have likewise a power of impeachment
but the Lords have the supreme power of Judicature &
the King has the power of Pardoning so that all the 3
have different powers that views may be must agree at least
The great inequality & disproportion of representation in the
English House of Commons is entirely the work of time &

confusion yet in fact it has done little harm of any at all as the whole matter ultimately depends upon the

proof of this we need only consider the experience of this country since the late revolution. The representation here is almost mathematically equal the mode of election is perfectly free & the number of Electors much too great to be bribed yet the representatives that have been chosen in this country with all these advantages have never given any more satisfaction to their constituents than those who have been chosen in England when 6,000 individuals can choose a majority of the house of commons which consists of 500 members & 5 individuals alone can find 44 members to the Parliament so that equality & inequality of representation & a free & a corrupted election have almost the same effect nay on the contrary there has been no rebellion in England for more than 40 years whereas there has been one in this country a very short time after the peace & the people of England tho' equally free as those in this country yet do not complain of those taxes that are made by representatives that are chosen by others while

complain loudly of the conduct of those representatives that were chosen by themselves so that freedom of election & equality of representation appears to be rather imaginary than real advantages & again

greatly instead of falling since the year when the credit
of these States was engaged

almost to nothing by the arts of specula-
tion who discounted their Bills at 4 shillings per Pound

& would readily obtain it by the interest of their friends of the
States were able to raise the money & so only thus ena-
bly to do this

As whom they are nothing & who
even the instrument of breaking their credit & rendering it im-
possible for them to pay their most faithful & meritorious
servants.

actual experience that the highest freedom of con-
sideration the most perfect equality of representation & the
strictest freedom of Election are no certain securities for an
unbiased administration & may have little or no weight
for improving the form of government & indeed the characters
of men are by far the best securities for upright administration
& political happiness for we see that England & America
have both

account from the most corrupt administration
the great national debt of England was contracted gradually
by the representation of the people & the common fraud of
Congress was the avowed act of the representatives of the States

exemplation even from the very
worst & most disgraceful administration political happiness
when actually enjoyed by

different causes among which the form of their go-
vernment appears to make a very mean figure & to have
no distinguished share or influence on the other hand the
character of the people of those to whom they commit
the administration

importance to their happiness than the esta-
blishment of any form what so ever & we

government has no influ-
ence at all upon those for France & Holland whose forms of go-
vernment are very defective

a condition as England & America in which
the form of government approach very nearly to perfection. In

of government if
it could be decided in general we might pronounce with great
certainty that that particular form which gave the greatest
encouragement to public & private virtue is undoubtedly the
best of all others because if public & private virtue are
cherished & cultivated by a government they would react

stability as it could not possibly derive from any other
cause or causes what ever monarchical appears to
be the best adapted to those nations where the aristocracy
are the minority • which consequently cannot support
republican government but as many of the circumstances
of a people may gradually change some think that
they ought always to make proportional changes in
their form of government because when changes of cir-
cumstances take place gradually as has been the case
in France they are generally accompanied with con-
sistent changes in government but sudden innova-
tion of any sort precipitate men into situations in which
they are not qualified to act the zeal of nations for
their favorite form of government is very remarkable
the citizens are bound by oath to support it & an
endeavour to alter it is high treason which is always con-
sidered as the greatest of crimes in every state being
supposed to be committed against the whole people yet
notwithstanding of all these precautions we find gra-
dually changing & when this is the case like all other

France & Spain have be-
come arbitrary tho they were at first limited like the
English monarchy.

by the public again the English maner-
they may be said to have been perfectly absolute under
Henry the 8th. Queen Elizabeth & James the 1st & would
probably have settled in that form if the sons of Henry James
the 1st had

known what was the condition to which they
were reducing them now in all changes of government every
man of sense would desire to be satisfied of 3 several things
1st That a change is lawfull 2^d That it is necessary
3^d That the changes

propetate & practicable as well as lawfull &
necessary & no good man will ever consent to any change
on the form of a government unless he is satisfied in these parti-
culars hence the Tories in the late war who could not see
how they were affected from their oaths to the government
of G. Britain

met with it if too many of them had not display-
ed such inhuman dispositions & been guilty of such bar-
barous usages towards their neighbours as necessarily excite
the indignation of mankind and oath of allegiance to appear.

icular form of government

the guarantee by being
called to witness it & no man can be absolved from the obli-
gation of this contract while he remains in the territory
of the state

of protection but to pass from one form to
another without conviction or necessity argues a most degraded
mind entirely devoted to interest & ready for the commission
of every crime when a government is thrown into sudden
convulsion, so as to threaten

embarrassed how to act
that he may do nothing that is contrary to his duty or
unworthy of his character rather than an administration &
compulsed by invaders cannot lend after they have left
the territory & cannot afford even the show of
a man of honor will rather die than betray his country
& tho he may yield to a superior force he will never
give his consent

by force fraud or villany small domestic
disputations it is extremely distressing to good men how to
act especially if the question is more difficult or doubtful &
when it cannot be known or known on which side the
majority will be found but wisdom men are not at a loss
on these occasions as they follow their interest & their passion.

It is a matter of great importance when the merits or demerits
of a form of government come to be the object of general dis-
cussion because very few are any way qualified to ex-
amine them properly & many are watching for occasion
of this kind to promote their private interest by throwing
every thing into confusion —

Lecture 100th April the 24th 1789-

those that are engaged have their all at stake

We come now to a third supposition with a view to which it is the fittest form of government & that is of a people on whose unity & sense of personal importance rather than their duties the state must rely for the performance of their civil & political duties & people amongst whom a continual advertisement subordination takes place without any example or any desire of equality such a people are not fit to govern themselves as the continual gradation of rank which is supposed to take place among them must terminate at last in a prince or a monarch they require an absolute monarchy or a lord of uniers & so on

suppose applies very properly to the state of the nations of Europe at the dissolution of the Roman empire out of which immediately became monarchies either under their national chiefs or under the leaders of the bands of northern people who had settled themselves in various parts on account of the weakness of the Empire the same cause may in a great measure account for the prevalence of absolute monarchy in most agreeable places of the world those who have not virtue to govern themselves or to secure the performance of their civil duties must necessarily be under the restraints of

to him held of with a view of securing this submission. It is
certainly for the good of mankind that those who cannot
keep themselves within the bounds of their duty should
be under constraint & necessity but it is a matter of less
importance what the nature & causes of that constraint
may be. The fiction of law which is best calculated for good
a people is that which supposes all power both legislative &
executive to be in the Prince & that he can delegate the
parts of it to others confining however the supreme power
is always to himself. The principle of fear is most operative
upon those minds that are destitute of virtue fear there-
fore must make one of the chief principles of their govern-
ment but as an artificial sense of honor may likewise be
often found in characters that are destitute of virtue this
too ought to be excited & engaged to gain their obedience.
The prince being by this constitution the head of the society is
supposed to be the fountain of all honor this power is
supposed to enable those who are employed in it & his dis-
pleasure to expose to disgrace under a monarchy all
rankers ought to be supposed to be interested in the honor
& power of the Prince which latter in monarchical states

in the full title of Patron of the King & Church supposed
to be the author & guardian of the laws all acts of government
are done in his name. offences are aggravated by being sup-
posed to be committed against him the peace of the Kingdom
is called the Kings peace & all the Breachers & disturbers of
it are supposed to have incurred his displeasure The desire
of pleasing the Prince as well as that of his safety & a sense of
honor which is supposed always to be connected with the service
of the Prince are therefore the two great principles of conduct
under absolute monarchy & point alike at absolute obedience
The Prince is always supposed to be in the right & those who
oppose him to be certainly in the wrong & as he has the dis-
posal of all places of profit Trust & honor interest as well
as honor attach the subjects to his service The higher ranks
by attending the Court & waiting on the person of the King
have undoubtedly insinuating themselves into his good graces
& the lower people are encouraged by the countenance &
protection & protection of their superiors The union of the
Subjects in an arbitrary monarchy consists in that chain
of dependance upon the Prince that includes every indivi-
dual but great men in monarchies have often their peculiar

The Prince of Wales dependent on
feudal times found that monarch only when their Lord
did them out & if he and the monarch were.

They generally thought that their duty
obliged them to follow their Lord against him that sovereign
though they did not intend to dispute his sovereignty the
obligation which they imagined that they lay under

Lord was supposed to absolve
them from the guilt of treason when he was opposed to his
sovereign now it is impossible to imagine a just bond of union
on than absolute monarchy for just a people as we are sup-
posing to exist & if they were to endeavour to erect any other
form of government it could neither be peaceful lasting nor
profitable the grade of a hereditary Baron E.S. might dis-
pose him to think that it was no disparagement to his
dignity to submit to a monarch to whom he would naturally
think it below him to yield to his equal or his superior
The prudences & gradations allowed on common life
lead to propose an order
resembling that which is supported in an Army by a gradua-
tion of subordinate officers & rights to command a greater

Whence by a general & artificial sense of honor ap-
pears that have notions of conduct or standard of Esteem can
only be the subjects of a despotic power if they can really
be kept in order by any government whatever we shall see
immediately that it is not necessary to suppose that so-
ciety for which absolute monarchy is fitted should be gene-
rally accustomed to hereditary distinctions or actually
under the pressure of a sense of honor but barely that
they should be capable of these relative dignities & heri-
editary distinctions are the effects of monarchy & are commonly
greater to those that have the most habitual attachment to
the interest of the monarch & the preservation of the order of
society by a sense of her authority sometimes dignities serve
to excite an artificial sense of honor & are a great improve-
ment to those who receive them in absolute monarchy is
best suited to a corrupt & degenerate state of morals it is
certainly much better that men should have some principle
of proper action than that they should have none at all so
that altho an artificial sense of honor cannot be expected to
constrain men from all vices yet it may be useful at least
for restraining them from such actions as are branded by
public opinion with the epithets of base mean & dishonorable

a partial plenty is hereby obtained
belief - of a common religion which has
in all ages except the present & in all countries except this
been uniformly conceived to be indispensably necessary for pre-
serving the order of society & securing the performance of civil &
political duties. The belief of a common religion was very
much strengthened by the ancients. It strengthened the bonds of
a society by the solemnity of oaths, sacrifices & religious rights
& they considered it as an offence against their God to insult
the majesty or disobey the authority of the Prince. The sense
of religion was supposed to influence & direct all the actions
of the citizens & to defend & glorify the God was suppo-
sed to lead them to seek the welfare

Indeed the world
has never yet seen or imagined a monarchical government
without a common religion. It is true indeed that two imperial
Princes of the present age namely the Emperor & the late
King of Prussia in order to encourage

toleration but it related only
to men persons & conveyed nothing except impunity. It did
not enforce the principles of the common or established religion
or enable the collateral patrons to fill offices of Government.
In all these respects it left the established faith & its

Some moderns
pretend I have discovered that men may be very well
contrasted in society without any common belief concerning
religion & that political union & the performance of civil
duties may be secured without men believing any thing

absurdity

what good have men been from the
beginning of things in endeavoring with

falsehood? No recommend
the truth when discovered to the belief of the public & caution
them against error? what good can say must

vast pains of human society
can be at all secured & civil & political duties as will
be performed without any belief at all or with a yearly
monthly weekly or momentary error or by believing
every contradiction so as to display in the strongest light
the power of the mind to believe whatever it pleases
If a steady or uniform belief be so bad or so useless a thing
as this opinion supposes, opposite to itself as the belief
of nothing at all must be the highest expression of
founded

it were enforced or not is somewhat hard to imagine a father
can make no distinction between loyalty & treason nor can
he care in the least whether he commits the one or the other
other he must choose when it quite indifferent whether
he keeps his promise or engagements or not either to the state
or to private persons or whether he is just or unjust in his
dealings the death & the life of all the citizens is quite in
different to him & he cares not whether he contribute to the
one or the other of these ends according to his principles he
may do whatever he pleases

promises or oaths in consequence of the large-
ness of his empire & the comfortable enclosures of universal
liberation in short his religious belief or utility would be a vast
tempt to him he would rob the the public

Julius Caesar he
would destroy by any arts that could be invented all
that opposed his will & he could destroy the monarch
too without committing the least transgression against that
large way of thinking which he had adopted but monarchs
would never suspect of such subjects nor put the least trust
in them because

transiently that there is a God that his justice will
sufficiently ensure that he is true & hates perjury & that it
is not lawful for a man to pretend to have it in his
power or choice whether to believe a God or not. The
greatest security that the united states have against
absolute monarchy is their great admiration of independ-
ency & daily change of chief of state which must make
them utterly incapable of monarchy though it be that
they have by no means the same security against des-
potism

Lecture 189 April the 25th. 1799

It is often observed in common life that the sub-
stitute fills the room of virtue in many cases & that society has
no other security for the performance of moral & civil duties than these
artificial substitutes. Thus interest fills the room of Patriotism ma-
liciousness supplants the want of zeal hypocrisy conceals the want of
religion fear of punishment supplants the room of honesty ava-
rice from the graspings of frugality & profusion accidentally pro-
duces some of those consequences that might be expected from liberality
& on this score the apparent actions of many men are not without
reason suspected as counterfeits now on a people that require as
monarchical government there is no better security to be found for

their performing those of a moral kind artificial principles
therefore must be substituted in the place of natural & intentions
must stand for realities in many cases but while every individual
at all times only to what concerns himself the monarch for the preser-
vation of his own person & dignity must attend to the public safe-
ty & enforce public order now as all the greatness dignity & supe-
riority of the monarch depends entirely upon the harmony authority
order & continual happiness of the society consequently he has
the greatest interest - of all in its safety preservation & im-
provement being both the measure & the guardian of the law & he
is bound to see to the administration of justice & to preserve the rights
of men The judges are his servants & it is his interest that they
be upright steady & just & because they are of his appointment
he will be considered as answerable for their conduct & the public will
be disposed to judge of his character by those of men whom he appoints
to the different offices of government Honor ought to be their motive to
induce them to represent the person & authority of the sovereign wth
propriety & dignity & honor ought to be his motive in choosing proper
persons as he is sure to get credit for all the good qualities of
those whom he appoints when a monarch cares for the peace well-
fare order discipline & dignity of his subjects he cares for himself
& his own family In order to be a good monarch would require a degree
of sensibility equity justice & humanity that seldom falls to
the lot of men & as so many have an interest in deceiving

him he stands in need of a degree of acuteness superior to
them & to have information of every thing of consequence that
passes in his Kingdom. The monarchs of Persia had certain
officers whom they called their eyes & their ears because
they depended on their information as we do on that of
our senses but though the King is the fountain of honor in a
monarchy they were not able to suppress these officers from
infamy & hatred as they were commonly supposed to give
much false information & to defile the secrets & betray
the confidence of the monarch in a monarchy as well as in
that form of government there are multitudes who desire to shed
the guilt that is the grown & they must necessarily
alter all the means that would serve to discover them-
selves - as long then to punishment may wear their in-
formers of a monarch serve him only for a while &
will often betray his interests if they can do so with
safety & to their own advantage a monarch has rarely
any friends though multitudes of dependants & therefore he
is obliged to prefer those who from gratitude or a sense of ho-
nor he thinks will have a regard to his interest although
they may have qualities that render them odious to his
subjects now the favorites & confidants of a monarch may
be very haughty unjust & insolent to the subjects though
the suppleness of their behaviour at court & their apparent

devoted only to the interests of the Crown may render them
very agreeable their masters. a monarch being constantly accus-
tomed to the language of flattery & ceremony that indeed very
little chance of being informed of the truth in any thing &
when he thinks that he has disordered a person whom he can
trust & admit him to the enjoyment of power & his

more than to others. The falsehoods which
a monarch has daily represented to him by many of his subjects
who want to make him the instrument of their wrongs has
a tendency to render him

& the daily impressions of this kind which
are attempted under it utterly impracticable for him to make
particular enquiries for these must stop somewhere & it is
natural that his doubts should be determined by those that
are nearest him & whom he used to trust now a monarch
must certainly be supposed to love & trust those most who
appear to serve him with most respect & attention & those
especially which give an establishment to his person & in-
terest hence in the Courts of the East the Excesses of the
Palace who performed the menial services that were ne-
cessary about the person of their sovereign & who managed
his pleasures & amusements were commonly the confi-
dential servants of the monarch & had the greatest
share of his power & often being daily in his presence

• having manifold opportunities of showing an attentive
andit what their situation & power & thus keeping the
Gates of his Palace gave them great opportunities of prefer-
ring & they had it always in their power to admit or ex-
clude whom they pleased & to give the sovereign full
impressions of any man as they chose but the condition
of mankind was necessarily miserable when govern-
ed by officers appointed by favorites of the Court but in
common cases a monarch in a flourishing state must re-
gard those who have served or are capable of serving him
• this grows a great hindrance of justice • To the ruin-
ing of merit and a monarchy a Prince may be very sen-
sible that a particular candidate for an office is a very
good man & extremely fit to fill it with honor yet
perhaps at the same time he may be obliged to give
up to another whom he knows to have neither virtues
nor capacity solely on account of his connection wth
some of his ministers
inform us that Julius Caesar made his friends not of
the best men in the state nor even of those whose persons
& characters were most agreeable to himself but
solely of those who could be most useful to him &

monarch appears to those who contemplate him at a
distance to possess immense power & to be able to do
whatever he pleases but if he would reign with comfort
& safely he must be subject in the most things to the
will of others he must retain his friends by favors & often
follow their choice instead of his own & a monarch ought also
all things to study worldly & profane because so many
are daily expecting from him what only one can obtain
& are apt to be deeply offended if their expectations are not
gratified now if he does not attend to this the follow-
ing of place instead of extending his interest may only
increase the number of his enemies as he must always
necessarily possess a much greater number than he
can oblige as among a number of candidates every one
is conversant of his own merit & full of hope of success
it is a matter of no small difficulty for a monarch
to refuse with a good grace & to have those well af-
fected to him by hopes whom he cannot oblige by
favors among the few favorites belonging to a crown
which Charles the 2^d of England actually possessed

with

often more agreeable than the grants & favors of some other Princes. As the interest of a monarch to engage in his service the most virtuous capable & popular men of his Kingdom but the great ~~and~~ difficulty

of pretenders now as a court. The proper sense of flattery a monarch cannot expect to distinguish his friends from others by the manner in which they express their attachment to him nor can he always depend on the account of the characters of men which he hears from others besides an attachment to his person is the quality that most appears most agreeable to him this will not

Lewis 9th used to say that when he bestowed a place

on an ungrateful man, by the first step whom he had refused & by the last the person whom he had refused for whom he commonly had a good opinion of their own merit & service that it is as scarce possible for the liberality of the prince ever to come up to their expectations for life

place mentions at least that he has got only his due
or perhaps something less & those who are refused a
favor that they had asked are apt to consider the refusal
as the greatest injustice on the part of the Prince
& to entertain vigorous resentments against him on that
score hence it has always been the policy of despotic
princes & ministers to keep those in hope whom they
could not immediately oblige & to make them believe
that their disappointment was as grievous to the Prince as
it was to themselves sometimes indeed this sort of Policy

has led that after the grant of 2000 ministers from
their Benefices for not accepting the common prayer book
he had personally intreated of the King to let them have
a curacy only that he might have an opportunity of
preaching the Gospel & the King the Lord Chancellor

& though the favor he solicited was so very
small he was never able to obtain it seems very strange
says Mr. Baxter that a man who had so great friends
at Court as the King the Lord Chancellor & the Secretary
of State should not have been able to procure a small

curacy yet says he they

then grows to lustre it. There is

a certain degree beyond which of political lying & worst dissi-
mulation is ever carried it becomes entirely ridiculous among
other nations which monarchs have for proferring particular per-
son or to attack to their prince. These affect enmity might
be dangerous to them so that the person who is actually pro-
voked is not always, on foot or esteemed more than the rest.
The Court of a monarch is a scene on which dissimulation
imperfect enmity & rivalry are continually exercised
in which the greatest art & the most perfect deceit are
generally most successful

honestly uprightness or friendship

"Exeat aula que aulæ speciosus" The inclination

to his favorites are studied with the greatest care & every
effort is made for their advantage
nevertheless no small wonder if amidst such
a mixture of a variety of
passions & such an opposition of int.

of government
when so very little truth & love & that little common-
ly not fairly it is truly surprising that the Prince

though it is highly for his interest so to do a monarch
in imposing Taxes ought to consider all his sub-
jects as his children & to endeavour to govern them
as little as possible but what he has once com-
manded he must execute with promptness as his
authority is the sole ground of his dignity & must
never be disappointed as to a prince who once
supposes that authority to be

perpetual will not continue long
in the station of authority the same is indeed the
case with those who are charged with the execution
of the laws under all forms of government what power
when the authority of government

the government may
be said to be at an end & cannot continue long
even in appearance unless it retains the vigor of
its authority while all the subjects continue to obey
the

justly administered crimes are punished laws are
enforced revenue is collected & in in short every act
of good government may be performed to as great
if not greater perfection under a monarchy than

personal virtue enough or those who are employed the
subordinate ranks in a monarchy will endeavour to
covert the monarchs favor & to confelt their own dig-
nity by actions that are either splendid or them-
selves useful to the state whilst they are at the
same time useful to the King

under monarchy the preservation of authority becomes
and but to every one besides as the authority of govern-
ment is the sole guardian of the laws which secure
every man in the possession of his own rights it is
every mans interest that this should be preserved
under all forms of government without distinction

to the public except in so far as he actually respects & to
authority prevail. Those who wish that it is liberty to live
under a form of government which they can dispose with im-
punity will find themselves greatly mistaken in terms of
consequence when the majesty of the people in the worst
examples of them

property they will then see things too

• that whatever gives one man ^{any} ~~office~~ an

to day may give another person the same opportunity to cheat them to mortals or perhaps to deprive him of all that he has in the world there is nothing in what the divine right & necessity of government more appears than in the protection which it affords to every man's person & rights & the security that it gives against the avowed injustice & treachery or weakness of others hence every good man will unswervingly be assented to the authority of government which preserves him & all others & as the extinction of it must be fatal to every thing that is dear to ~~man~~ ^{man} man

Lecture 190 May the 5th 1709. ^{Examination}

The members of a monarchical State are drawn together & moved in a body not by their love to the community or to mankind but by their veneration for their common superior & their expectations from him as the source of punishment & honor. In Every society
justice & love to the commu-

erty cannot be supposed to be strong enough in the generally
given for that purpose in place of there for a sense of sub-
jection or Veneration for a common chief or authority or ex-
cellently suited for that purpose. Sentiments of Esteem alone
give elevation & regularity to the minds of men & a person who
can esteem worth real or supposed & who is desirous of becoming
by his conduct the object of Esteem will probably undea-
vour to behave with propriety in order to merit it & he may
be expected to imitate that worth which he esteems & respects
but a Man who himself esteems nothing & who cares nothing
for the Esteem of others has no principle by which he can be go-
verned or kept within the bounds of his duty except fear of
opprobrious danger & this is one of the greatest evils of re-
publican governments that under it we daily meet with
men who have no Esteem or respect what so ever even for
the highest conceivable degree of worth & no desire of being
esteemed by others Such men as these will be apt to violate
contracts & to transgress against justice & the rights of
property without the least remorse

and what it is to have a
sense of honor The character & conduct of pub men already
calls for disapprobation & renders them unworthy under any form

of G. a sense of honor & shame then for must
be of great use & extent under a monarchy custom & gene-
ral opinion are fit to influence & govern men but such as
pay no regard to these stand in need of immediate force &
external restraint. The great end of Education is to put due tho-
tfulness to blind principles & to make men capable of be-
ing influenced by moral & rational

to Conscience

& to the opinions of men are the chief restraints from evil
actions & such as have got above these can no longer be the
subjects of moral government & have as much need of restraint
as children or madmen the love of honor is a strong principle
in those who have it & those who have it not are utterly
incapable of conceiving what it is Monarchs have
many opportunities of gratifying their subjects with dig-
nities as well as with enriching them by lucrative
offices though these two generally
refuse otherwise & lose

all its value because there cannot be a mark of dis-
tinction which many people are proud of the order

of A.
France & the thoughts might have composed an army
so that at last it became necessary

of that order to bring virtue
degraded & make it to be totally laid aside. The possibi-
lity of adventures or relations dignity after giving
principle & a strong in-
centive to properly & dignity of conduct all the feudal digni-
ties of Europe are originally acquired by military or what are now
called coats of arms were only the marks by which
soldiers were distinguished

expressed their exploits many men who have been little
sensible of the power of reason or the authority of justice have
often taken in to regular behaviour by a sense of honor
& a fear of disgrace. The ancient Spartans used to make their
slaves drink & to exhibit them or that

the disgrace to which
that vice exposes human nature they might have it &
affliction from it. Even the distant &

& distinction or compensation at
those who are candidates for it is sufficient to give a
pomp or elevation to the manners of mankind & to ex-

tending to realize them either in the true cause of that genera-
lency of civility & politeness which is ordinarily to be observed
in the subjects of monarchies & for which they are so
apt to value them selves in a republican government
no man has any fixed disposition to hope for exact

of a few & his present behaviour has no sort of influence
on his circumstances & future hopes for what he is
barbarous or polite brutal or obliging a Prince

for wealth

& for all the honors of a republic but in a monarchy
there are so many people who need to be obliged & the
spending of one person may be of every great conse-
quence to every man

behaviour becomes necessary for
every body specially for such as would make their fortunes
& all men are naturally so full of hopes of this kind
that that

fortunes must soon become universal as even
those who have little or no hope of amending their honors are

ambition to be thought worthy of them & when nobleness
flourishes is concealed.

expected to be very general these ideas have no
sense or depth of honor not only want one of the most power-
ful restraints.

enjoyments in life the maxims of ho-
nor are not susceptible of a sudden change & the dignity of
family though originally conferred by the prince are hereditary
& therefore independent now both these circumstances oblige
the Prince

at the top of that gradation of dignity
that is essential to monarchy his conduct must be held
up as the standard of propriety to others & he must give
others an little opportunity as possible to each of them to
his disadvantage for the purpose Princes

& often disappoint & defeat confirm by preoccupying mens
minds. with the Praef. of their Princes

in the state of respect or approbation least he becomes an object
of

It may be necessary for Princes to encourage men to talk as
they please of some part of their conduct in order to prevent their
taking any notice of some other parts of it Thus Julius Caesar

to inflame his country encouraged them to say what was
scandal of his private life his forgiveness of the Portcullis was
early disowned & his ambition affords a suf-
ficient proof that he did not define that that part of his con-
duct should be talked or taken notice of & if he had endeavored
repentment in this case this might have opened the eyes of the
Public &

to turn away the attention of the public
from his ambition or unjust conduct with regard to the state
he cut

principle that of others accordingly the people having
got this strange story of the Dog to excuse their philosophy &
sagacity ceased to enquire any further into the other parts
of his conduct which was all that he wanted

monarch comes under
an obligation to maintain that honor to live faithfully to it &
to do nothing to disgrace the judgment of his sovereign ac-
cordingly loyally

Hence it is a
received maxim in law that treason takes the blood

that men may be engaged to a
grateful conduct towards their sovereign by the regard which
they have to the honor & well fare of their families.

changes & thus
permanent

It may be thought extraordinary that to

honor & the subtilties of virtue
but as the possession of a habit of a particular form of religion may
some greatly attract the attachment of men as well as the custom
of submitting to a particular form of government

religion is one of the greatest use in enforcing political in-
tegrity & in producing a love & attachment to the government
of our country. It has indeed been often alleged against the
influence of religion being that many minds do not
believe

in their conduct by what they believe but it must be
an eternal truth that men will always be much more
influenced by what they believe than by what they do
not even although we should suppose
conduct. The Prince
in all monarchial countries denies the chief part of

all the Princes of Europe have certain titles conferred on them
by the Pope in consequence of their on which they highly value
themselves & for which they are highly respected by their
subjects & although all these titles are at bottom

inscribed by the Holy Seal thus the Emperors ^{peculiarly dis-} titles
majesty the King of France his most Christian majesty
the King of Spain his

the King of England while they were Catholics ^{this orthodox} Defenders
of the faith ^{faithful majesty & the}

that they were indifferent about it they ^{their religion or to gross}

standing the superstition regard of their subjects to monar-
chical government if they should declare that they esteemed
all religions alike ^{this was notwithstanding}

be equally entitled to their esteem & protection it would be
very far from minding the matter to have the same
faith & worship & the same public rules of ^{invented would}

that can be conceived & it may be justly questioned
whether any other can be put in its place that will serve
the same purpose for any time after Henry the 8th of France
had conquered all

He is by the force of his arms found
himself still unsafe & defended that it was utterly imprac-
ticable for him to renounce thing of France without pub-
licly professing the Roman Catholic religion

the protestants
faith which notwithstanding he sincerely believed & he
believed any thing under the hands of

Pope & to obtain ~~the~~ reverence from the friends of the Roman
faith & after all he was assassinated at last for being
supposed not to have been sincere enough in his public

Roman faith as perfectly sincere
appear to have proceeded from ^{an} ~~the~~ warm regard
towards the

not always with justice but that this may not be
suspected to have arisen from something peculiar to the

James the 2^d of England would have the religious part
of his subjects whom would change their faith in com-
pliance to him would just as had lost all character
Colonel C though a declared Infidel declined

to turn Catholic he replied that he was engaged to the
Emperor of Morocco at whose court he had been Envoy
Sir

James's Popery were attracting Mahometan so that thing
Crown Markland

an new sure what standard of right & wrong there may
admission practice when they are not agreed with them in
religious belief & the general knowledge aversion with
which one set is disposed to trust another is a suffici-
ent testimony that men do not really believe what
they commonly assert

exactly the same but as many
Sects have accused each other of breach of faith & the
want of honor it cannot properly be true that men
have so much indifference about one another

Faith is commonly pretend'd when a common or national faith is professed by a whole nation or society

upon different persons & the degree of sincerity with which it will be professed will be very unequal yet the effects

^{prophesies} Catholics may have a great zeal against Protestantism though he be an exceedingly bad Catholic & very little attentive to

mighty zeal for the Church of England though he neither attends to worship nor knows what doctrine it teaches or where in

respect may often times be highly useful in a political one & may prevent many men from turning traitors to their country

between true & false professors of the same faith & to
together against the common Enemy The Religion of a Prince is always viewed with admiration & greatly increases the esteem of his subjects towards him & the more justly so he appears to be with

all his commands but of the religion

in him no conceive him to be the friend of their faith.

of duty ex-
cellence & greatness Persecution is that enmity which is ex-
cited by difference in religion & connected with suppression of all
designs which the one

the other at the same measure of Paris the Roman
Catholics gave out that the Protestant

Catholics in order to excuse
their own crime under the disguise of prevention & precaution
when a Prince gave public countenance & attendance on the
national religion the professors of it

known that he was an in-
fidel but if he outwardly neglect it or appears to disapprove it
he will necessarily be hated though his infidelity were
not known Thus the late King of Prussia visited
all Germany & England

of A & attending to public service
& gave himself out as the head of the Protestant interest
that he was an infidel as he had declared himself
to be from his words on the Richard Henry Chamber the

Pope's was not human till his death & the Catholics there-
fore were so doubtful of him though greatly reconciled
to his religion that they were supposed to have hastened
his death

indeputable & devout Catholics when the Emperor of Russia
on the last war was about to send a fleet into the mediterranean

abundantly by his treaty the chief of this religion
on his ships found assistance & supplies in many parts of
grew for the very

Lecture

Community of religions constitutes a bond of union
& a ground of confidence which has always been reckoned great
& indispensable as the greatest monarchs always stand in need of
it to unite themselves to a people

necessary for the general mem-
bers of a republic to have mutual confidence on each other
then for a monarch & his subjects as some of the members
have the relation of

good men as universally of the same faith acknowledge
the same principles of morality

in their religious or spiritual
belief but this opinion is true only with regard to two dif-
ferent sets of persons the one of which is extremely rare to be
met with & the other

good men who together with their several reli-
gious doctrines have
of morality or his laws the second class com-
prehends those of different religions who are more external pro-
fessors &
whatever they last indeed might relate rea-
dily to a time

them but as they have no bond of union
or confidence in mankind on account of the want of moral
principles in all of them

temporary like that of a mob who how-
ever harmonious they seem in transacting

soon dissolve & aban-
don each other to different prisons gibbets or banish-
ments that a majority of the part of these classes should
be found in any state is absolutely impossible & that

the whole may resemble the second class who are destitute
of all principles of belief & mutual attachment is great.
ly to be dreaded as their union could hardly be more lasting
than that of the mob which we have been just now consi-
dering perhaps these republics in which justice is weak
& they might be continue that form of government
conduct that con-

tribute to the union of monarchies They certainly need
principles of union because liberty as well as vice is common
by a dividing principle apt to split men into parties ac-
cording to the various notions which they entertain con-
cerning its extent & use as the subjects of mo-
narchies consist of people of various ranks those that are
elevated above others may be expected to possess the esteem
& confidence of their inferiors

to them in return for the respect
which they show them

as their Benefactors as well as for
thus being the servants & representatives of the monarch
now these having a high sense of honor the monarch must
necessarily use them with wisdom & command them wth
respect & cautions as far as he might not to urge them

or commands without complaint or murmuring on the con-
trary as they have so high spirits the instrument is too tedious.
as the ordinary subjects are thus wretched it ought to be
with

ful some concern for them that they be not too much op-
pressed or exhausted lest they be induced to despair even
the possession of absolute & continued obedience are not con-
sidered by men of honor to be due to any dishonorable
service but to have certain limits though not definitely
expressed the monarch therefore though absolute must
limit himself in such a manner by governing accord-
ing to established laws that the subjects may

• adhere
to his Edicts which he has absolute authority, hinders him from
establishing by law. Princes have likewise wonderful force
in quieting the minds of subjects & reconciling them to harsh
treatments • when they are known they will often be readily
submitted to the immense distance that is conceived to take
place between

Being the same consideration engages the
subject to obey the commands of the monarch from

a desire to please him & the sense that they have of
their own importance

pleasure of one who is so far above
them we have said thus much of monarchy because by
the divine allotment it has prevailed almost everywhere & in
all ages the degree of human virtue being such in most
parts of the world that the people could not properly sup-
port any other form of government

that of a republic. A monarch is to the last a much greater quan-
tity & as well as higher degree of virtue as required than to
any of the other forms a republic that has not virtue enough
to govern itself must by that very circumstance acting
as a cause necessarily fall to pieces & become the property
of some despot. This leads us to a fourth supposition viz
that if a people perfectly virtuous or nearly so without a
sense

restrained only by force now in every constitution or form
of government even that which confides most in the virtue
of the subjects must employ force to restrain them
fully if the whole of the people are strongly inclined
to commit crimes as is supposed in the present supposi-

tion

prompt & corrupt punishment must be continually
placed in their view now altho' in reality there is no
just thing in this world as just as any man than per-
fect darkness yet the degree of wisdom among a peo-
ple may be so very small as not to be with reason-
ing having no proportion to its contrary & therefore our
reasonings concerning a very corrupt

altogether the supposition

could may

Despotism but it is our business to consider
things as they really are
what their present nature & condition is to them
for without regarding

view of things it is not
in the least to be doubted that despotism is actually the best
form of government for a very corrupt vicious & degen-
erate people for the same reason that confinement is necessa-
ry for madmen inhuman & evil animals that they
may not endanger

for having no virtue nor sense

of honor to keep them within any bounds or to de-
termine to propriety of conduct

there it is therefore good for them that they are confined & that
malignancies are thereby put out of their power which they in-
certainly commit if the restraints were taken off them

to them because the principle of fear is the only one remain-
ing in their character from which their governors can have
any security

their whole conduct therefore must be determined
by such selfish principles as ought not to be in the head men who are
destitute of virtue & a sense of honor a virtuous man ought
to be supposed to be always ready & in time to commit
any crime

with impunity The shameful prostration, meanness
& injury that are employed in the crime must in the pre-
sent case be entirely let out of the question because these
considerations cannot be supposed to have sufficient weight
to affect a virtuous man at least to restrain him from his
purpose

restrain them there in order effectually

to restrain them from crimes etc

must be continually placed in their view the only factor of
law which can be

by force is that which suppresses all power right & proper
by to turn one person whose will accompanied by an irresistible
little force is conceived to be in awe of society among a collection
of people whose every person is suppressed

having power so much
the latter has as no power than one can possibly exert or possess
power it is left for such a people that all power be actually
in one & whatever moral character he possesses makes no odds
in the greatest suppression we shall therefore take it for
granted that the defect

of power

to restrain the crimes of others & even
his own to a certain degree has no conceivable condition of
mankind could be more

that of a whole united society left
entirely to their own will

is capable is that of being kept under
such strong restraints by means of fear or interests that they
may not destroy one another nor suppressing the defect

to him & as his support & authority is whole-
ly derived from the people he must wish for their preservation
at least even if only for his own account

an enemy to the crimes of every
man & the inclinations of his will must be that none of
the subjects

Party as his enemy --

"Nemo gravior malus est" is a maxim of nature
as well as of the schools so that we must not suppose that
even a defect would destroy his subjects

to danger for every small & they altho they are wicked
will not commonly adventure to injure each other for
fear of the terrible punishment which the despot or
his deputy will immediately inflict & consequently

of this fear & will only hurt each other when either
their happiness or the hopes of escaping punishment hap-
pen to be stronger

repentment which will not very

sometimes prevail in very despotical states when an

The attention of the subject & directs them to continue in
order as the sole profession of safety in all the subjects of
a despotism may be supposed not only to be
that to have actually committed them
they may be considered as criminals already condemned
who are only spared till they

new crimes among
the society of criminals & persons destitute of honor there can
be no real friendship or confidence & therefore informers
must always be encouraged in all despot governments
Every man is understood only to mind his own interest

in general being by the supposi-
tion of their want of virtue entirely out of the question
to be supposed to be entirely extinct &

of their treachery
or fidelity as there can be no safe relying on oaths &
engagements which virtue & honor are supposed

common rule on

but it contains

advantage altho the defect is not concerned in them

The institution of ceremonies their frequent fasts & their regular
abstinence from wines &c restrain spirit

Obidience this is to be believed
that on any objects as well as many heads of superstition
have been in

any notion what thing themselves entertained
of their importance & mystery or in order to give the people
by that means a habit of regular & orderly obedience & to keep
them on a readiness to do every thing that should be enjoined
them many of the gradus of ancient superstition may
be traced up to the source whatever notion the first

paid to be of importance which tends to form or strengthen
on a habit of obedience. Let obedience be the first lesson as
you teach your son says Sir Walter Raleigh

Which when considered singly are of no importance
only shortly become somewhat more regular & susceptible

the movement the move-
ments that are performed in consequence of them in the mili-
tary exercise are not singly of any importance at all but
the custom which produces a habit of observing them exact-
ly.

agility & attention & ready compliance with any
other orders that may be given them but perhaps for regularly
performing each other in the most advantageous manner both
in the case of attacks & defence there are perhaps many prac-
tices which we are apt to divide

that we are aware of by giving

occupation to the

parties or by inspiring them with habits of regularity
& obedience & preventing them from becoming proud & self-
willed & accordingly immoral. maybe made highly
themselves may

be inspired by the terror of

superior overtures of a despot according to the
express suppression words in no case whatever affect the
innocent as he is not supposed to be concerned in any
such

view in examining because of a thousand things

none in a subject

because it sets no value on the lives of
men the dominions of a despot though like a large pri-
son committed to the care of vile & mercenary men is never
theless the only fit place to receive & confine those who
cannot be otherwise restrained from injustice

the minds &
tempers of men it is to be expected therefore that a despot
will be uniformly cruel unjust & unmerciful in revenge
that he will increase

from mere passion when the
ends of justice are already attained & that he will involve
in the offence with a view to his own safety.

unrelenting & perver-
se as the subjects are supposed to be cowardly
endeavouring generally
to degrade human nature & to explain away the in-
fluence of all religious & moral principles in order to exempt
a government consisting entirely of force & to fortify the minds
of the tyrants

Society it is certainly the worst & most necessary for a wicked & corrupt one & when ever a society becomes thus corrupt it produces a despotism by the law of necessity, anything less than the rigor of a despot can be able to keep these men in order who have neither virtue nor honor to restrain them from crime now as criminals are kept

from mutual injury in the like manner Despotism is the natural method of keeping

with Societies that are vicious & corrupt. Force & terror may keep them in the order of a society to prevent them in a great degree from hurting one another & this kind of

from the extremity of perfect vice as they are from that of perfect virtue they may be governed by a monarch but when either the monarch or the people degenerate despotism which is the corruption of monarchy is inevitably perfect

every monarch pretending to have a right of being a despot when he pleases & being restrained & governed only by his own will we cannot say exactly or positively

That the case of a people fitted for despotism which we
are treating of at present

my nation ^{pe} and have been in so low a state of civility ^{people yet ma-}
that no other government

so that their small virtues do not change
their state nor make any alteration

according to which it is proper to proceed
with them accordingly the choice of the

nations of Africa are fitted for a despotic government
by their moral state & quality — —

Lecture 192 May the the

commonly so much acquired even by the worst form of govern-
ment as they are by their own want

daily life wherein they are daily ma-
king despotic government more necessary & proper for them

is completely extinguished it is more properly the concern of the citizens
of a free republic than of any others to consider with attention the
nature & consequences of despotism because that mangle the state
under which they must fall if by the practice of vice & licentious-
ness they render their own liberty incompatible with public safety
the object of all laws is to restrain villains & the mad & chained
despotism like the fierce discipline of a workshop or nursery to
restrain them from doing farther mischief to one another & to
the public & if they find their road to be heaven & their confine-
ment hard they have only themselves to thank for it The citi-
zens of a free republic when corrupted to a certain degree by vice
must necessarily fall under despotism because the want of a sense
of honor which at least always exists in republics & feel the
yoke of despotism as a necessary evil for an aristocracy or a mo-
narchy any interfering & countermand therefore who can
find means to make himself

The purpose may easily become a Despot
in a corrupt Republic & River of

Thomas the two examples which Mackintosh gives even this he said
were men who had to struggle with poverty & obscurity & to
suffer much before they reached the sovereignty
of their country men do not commonly become despots

except by the practice of great crimes
of the Bonds of Society & Friend Ship

Despotism or rather they on the natural
enemy means for acquiring unlimited authority no good
man ever formed even in imagination the design of enslaving
his country & even if it were very corrupt he would rather aban-
don it to fall on the defence of its liberties than even think of

enterprising wicked man can have no other object than the ty-
ranny of his country & such have always been ready to at-
tempt to seize the sovereignty whenever it was in their power
the Norman Conqueror or rather the gartered Bands

to a despotism
standing armies have been thought by many to have a tendency
at least to monarchy but all depends upon the characters of the
kings of whom these armies are composed & to whom the im-
mediate command of them is entrusted as well as on the character

under Oliver Cromwell had conquered Great Britain & Ireland
when they became defective of a proper commander & were de-
ced

contrary to all the Theories that were ever
formed either before or since that time concerning standing

1
James II almost wholly reversed the liberties of England without
having any standing Army and that small force the better of
these had soon destroyed him & on the other hand their predecessors
since the revolution have incessantly kept up a great standing
Army without injuring the liberties of the people in the smallest
degree by that institution a Despot has need of an Army for his
guard as well as for executing his orders & as the fate of the
most part of Despots to be as famous as to their Army as the
rest of their subjects are to them they must therefore con-
tinue at all the violence & injustice that is committed
by the soldiery though

as long as their Armies are willing to
be subject to their Orders. The Pretorian bands of Rome made
& deposed emperors at their pleasure according and suited their
humors & interests & the person who gave them the most money
& when emperors kept them under the strictest discipline they
conformably kept for their emperors & when those whom they
had chosen did not come up to their expectations they destroyed
them with as little ceremony as they did the untractable
Pestilence.

& sometimes made their

General Emperors even without asking their Consent 30 of
these military Emperors often by different Modes of

in the reign of Galienus near the middle of the 3^d. Century
& down even to the final fall of the Empire the army
continued to make emperors the 12000 Janissaries of
the Turkish Empire act as the Padishahs Guard of con-
stantinople they marry or disposing Sultans or Grand
the Stralitzer of

Russia enjoyed the same privilege till Peter the first broke
them at his audience. 4000 Janissary Soldiers at Algiers are the
persons who choose the Dey who holds all Europe & America under
tribute the ancient Tyrants of Sicily & Greece were uniformly
made & supported by an armed force & the more though they
had the best government in the world were seldom contented
with it & therefore are frequently told that God sold
them into the hands of the Dey of the neighbouring countries
by way of punishment for their sin. In a Despot govern-
ment obedience is paid

by terror & men live in the greatest
pains & constraint for fear of making their condition worse
by complaints or ineffectual attempts to regain their liberty -

Safely in so he had only in a strict compliance with the will
of the Despot or by flattery or by making him a his subject
a Despot government like a monarchy must be divided
among many instruments & subjects & these must have
others under them in their turn so that the different branches
are all defects with regard to their inferiors & have with
regard to their superiors but the whole weight of the autho-
rity of the whole chain of subjects falls heavy on the lowest
ranks of the people who having no inferiors have not even
an opportunity of revenging upon others the bad treat-
ment which they themselves meet with from their Tyrants
their condition therefore is deplorable & desperate as they
live under fear they must be habitually melancholy & as
the people nothing with plenty

hence that proverb that is mention-
ed by Abbe Maynal as common in the despotic countries of
Asia "It is better to sit than to walk better to sleep than
to be awake & to die is best of all" a Despot does not
govern by fixed & determined laws but merely according
to his own humors he does not however proceed without
danger on the contrary the his throne is founded in blood

circumstances with lenor it is generally at the same time
increased with danger & treachery by the nature of things
a despot can have no friends & can only expect that his
followers will adhere to him as long as they think it
their interest he sleeps surrounded with guards tho'
not men fearfully on that account "nam quicquid

"Whicquid a legal Inter

League of Interest

or by those whom he raised by his bounty

reprimand of past injuries or an apprehension of common
dangers sometimes makes leagues that have the same effect
so that the despot plays a very subtle game & has always
his all at stake because if he has any family or posterity
they are commonly involved in his destruction by an
application of his own maxims to himself If he either
omits to cut off a dangerous rival or happens to produce
a man of real bravery or if he threatens any one whom
he does not immediately kill or if he makes it their
interest of numbers to kill him he is gone in an instant
if they themselves are not in the number gentlemen.

bound to be conf

Despot. his

Having been sufficiently numerous those on whom he had bestowed the most of his bounty if they are not contented with his favor may prove false to him in hope,

lives by perpetually deceiving & oppressing upon others & at last commonly die by being deceived or overreached

affordities
accordingly the self of the Tyrant though generally more torment-
ing than even that of the victims of his tyranny has been
greatly cured by many who were already in happy
situations & many men even have died disappointed

may be said to be worse than death hence we de-
serve in history that one despot no sooner falls than ano-
ther immediately takes his place & commonly it is the person
who slays the Despot that succeeds him becoming a Tyrant

himself another may even do the like for him that he
has done to his oppressor in hopes of the same reward by
the untolded license of the Despot & the gross manner in which
he exercises his government the passion of the subject are

to pity the unfortunate & even on their thoughtless
they should offend the Tyrant they are often obliged to look cheerful
while serious plays upon their hearts "Spernentes simulat"

"Spernentes simulat"
Influences of life & properly they are afraid of thinking upon
a feeling.

it is possible that it was on account of the miseries which
they suffered under their despotic government that the
Emperor Trajan used to throw bitterly on occasion of the
birth of their children & to carry them to their graves with
dances

elsewhere an affixed in the very same manner
with the births & deaths of their children & for the very
same reason yet some have affirmed that despotic
government is in fact the best for mankind

to exaggerate the defects of human nature they proceed
1st the gradation

1st That all men would commit crimes if they durst.

2^d That crime cannot be prevented without despotism

3^d proviso —

That a person to whom despotism

has been —

of there & not to commit crimes of
his own —

4th That the sole duty of government is to control the
actions that must be

Now all these suppositions are
contrary to reason & experience the fact is that the manners
of men are various & that the same penal laws & form of
justice by which a people may be successfully governed in
a virtuous age will not be sufficient to restrain them in a
corrupt age in the first place therefore it is false that
all men would commit crimes both with respect to men
& also to crimes & the substituting a general assertion instead
of a particular is a very gross error the truth only is that
some men in some certain circumstances would commit
some crimes & it is no less true that many others in the
very same circumstances would not but a particular assertion
applying to a few is extended by the enormity of liberty & he
man's nature to all men without exception Those who advance
such doctrines as these do very well to conceal their meaning
because the very belief of them is impious & scandalous to
believers for no man can properly be honest himself who
believes dishonesty to be a general & universal attribute
of human nature the worst bad act is to do very many
instances of men who would not commit crimes even under the

very strongest temptations & many who are not restrain-

from some vice by principles of an atheistical nation. The 2.^d.
position is not less fallacious. At times that when there are
no fixed laws and always the case under despotism or
in times of public distress & civil war when laws cannot
be executed discretionary powers in judges & rulers may be
lawful & necessary but to make it a general rule to
allow them such powers would be very dangerous unpar-
donable. Law ought to be strictly interpreted & if a judge has
a discretionary power of varying from the letter

of Legislation

General laws may be so made as to apply to all par-
ticular cases & when the application of
equity will always expound them in favor of
the person accused the 3.^d. position is as contrary to reason
as the preceding ones & likewise directly contrary to
the

they dare discretionary powers ought not
to be
because by this first supposition they would certainly
employ them for the commission of crimes contradict

both these passions no less strongly than they contradict
each other In despotic States the greatest wrongs that the
people suffer are generally

unconformable obedience under despotism the subject expects
his own passion
over the force of his master so that commonly he will not
be content with merely fulfilling the will of his tyrant but
will take the same opportunity of fulfilling his own as he has
in his power in this manner to gratify his own passions & to
advance his own interest while all the odium & reprobation
occasioned by his conduct falls entirely on his mas-
ter hence some political writers for the sake of their own
regulation have taken care that all the acts of grace &
leniency should be done by themselves personally but
that acts of severity & punishment should proceed in
appearance at least from their ministers but the greatest
vices of Despotism
in Politics on this subject because they

a unpopular action, or proceeding from the will of the Prince
himself which they pretend that they could not hinder
The 4th proposition supposes government to be merely an
Engine of punishment to pour the vengeance of the law
upon all transgressors as soon as they can be caught

or violence but a rational governor will perform that
part of his office with reluctance & will endeavour
to avoid it as much as possible The end of rational
government is to prevent many offences by the punish-
ment of some & a merciful governor would much
rather wish that no crimes were committed than
that all criminals were immediately apprehended
& executed no prudent man punishes says Cicero
because offences are committed but in order that offen-
ces may not be committed The law indeed avenges
on the criminal

in this he leaves the punishment to the
law & binds all his views to security & the welfare

to defer to order the punishment of Crimes in
such a manner as to afford the most effectual warn-
ing & instruction to mankind or general at the
lowest of all to society when pardon can serve the
ends of justice & instruction

& the only reason why a good
magistrate executes penal laws is more compassion
for the Society who otherwise would be at the mercy of
every criminal when the imminent passions of men

incapable to measure the measure of punishment
but altho a despot will not be disposed to punish
crimes from a love to justice or from compassion to the
public yet he may be actuated in it for his safety & in
order to promote his own interest

Despotism & continued to ward off dangers from themselves & the
measure of the measure or honor of punishment is generally
proportioned to their fear & passions

Lecture 193^a May the 16th 1799 ~

When crimes multiply & when immorality are enabled to employ the forms of law as the false signs of equity it may be necessary to alter such defective forms but it never can be necessary to deprive the innocent of all the defending reason & justice for the same reason & justice which protect innocence may & will condemn the guilty the forms of trial constitute a strong distinction between despotism & rational government under the first of these men are often punished by private imprisonment or persecution without any trial at all under the latter can always taken to distinguish the innocent from the guilty & to ascertain the commission of the crime by proper evidence sworn examinations trials by torture & private executions bespeak a palmer inferior & despotical government though the injustice of Holland from a blind emulation of despotical ages have adopted the latter into the criminal law though it is much more similar to the Roman inquisition or to the government of Turkey than otherwise excusable to punish any criminal without a formal & fair trial in which he may have every opportunity that he can desire to prove his innocence of the charge & of this rule once departed from men can have no security remaining either for their lives or their other rights of the law

require more wisdom than is necessary for conducting the
guilty it may be altered but in no case whatever ought the
form of law to be so varied as to endanger the innocent in the
most times of occasional tumult popular frenzy or rebellion
it may be necessary to be afraid

mainable to the laws

but as enemies who by

safety & who therefore cannot have
the benefit of laws till the public has moved to security the
regular & formal administration of justice necessary for the
superior & properly but when this is taken away justice must
be done in a manner suited to the times & the circumstances that
one has of action for it will require the same solemnity in
times of confusion & sedition

is highly absurd. "Silent inter

nec si exultant jubent

exultant velut arde in justa pona luenda sit quam justa
regulanda" Even war has its laws & these are suited to an
unsettled state of things on which force is to be resisted by force
but as it would not be lawful to proceed in the same manner
in acts of government in times of peace as in justifiable & necessary
in times of war so it would be absurd & hazardous in

times of war & violence to await the same forms & use the
like precautions as in times of peace Domestic disorders of
this kind like foreign wars render discretionary powers oc-
casionally necessary, but this necessity is only temporary
but despotism may be said to be a confirmed state of war
& alarm and ~~license~~ licence

not when they cannot other-
wise provide sufficiently for the safety of the public. The coward-
ice of despotism is the consequence that the Despot has be-
ing the object of the hatred of his subjects

continually surround him for the most
part even in very corrupted states it was much the interest of the
magistrate or of the subject to keep the peace he threatens
many say public Cyrenes who do injury to one or the violence
that is used to one may likewise be used against another so
that no man who for violence used can remain indifferent
about or even have any assurance that he himself may
not be the next object against whom it may be directed
"just intantibus quodque cura condicione super communi"
But under any form of government the peace of society is
commonly preserved not so much by the fear
government

principles of self preservation in mankind who will readily assist
each other against every one. whether doing injury to one declares
himself an enemy to all absolute despotism is the extreme of
ideal corruption & every avoidable approach to it is an
usurpation & a national misfortune. But true on the same
proportion as the characters of men fall short of perfect are their
governments may likewise be short of absolute despotism.
But many nations are so highly vicious that their government
necessarily approaches so near to absolute despotism as
scarcely to be distinguished from it every form of govern-
ment is in a continual flux & has a constant tendency to
change to form other than theirs republics have a natural tenden-
cy to degenerate into anarchy monarchies to despotism
& aristocracies to oligarchies. But despotism has no
tendency to change as it suppresses the

fixed & unchangeable sometimes how-
ever it may happen either from imprudent conduct in
the despot or by any accidents that may affect the character
of the people that even despotism may be changed
for another form but the situations of men & the cause

of change in government are so various that it is impossible to assign the order in which the different simple forms may probably succeed one another in general or already observed monarchy has been the earliest form of government then succeeded by tyranny or despotism which by driving men to despair led them to set up the republic as a form as being at the greatest distance from the despotic form. too an anarchy has followed upon a despotism & sometimes it has led to a sort of the regots of despotism have been commonly succeeded by limited monarchies in great states

small extent & these republics again have sometimes degenerated into anarchy but more frequently to despotism. The Polesopolis

prince in his army is so far from being a contradiction to what we have said concerning despotism that it is really a confirmation of it these wretched princes from one another constraints which is equal to the power of a Despot were brought against them well within the bounds of their duty having no previous engagements to each other & each minding only his own

interest they would endeavour to promote it by all
means

of the community like the particles
of an homogeneous fluid they

and if they had
been possessed of public spirit or action is only equal to reaction
& the effort of every one of them to overmatch another were
uniformly defeat

in his turn than
a society of Phrauses might be as free from injury by ne-
cessity as a society of honest men would be by choice if we
only suppose that necessity to be nearly equal on all
hands & that the attempts of every one to injure another
would meet with equal resistance on all sides but as
mankind consist mostly of mixed characters mixed go-
vernments must be most suitable to them & consequently
the most durable the simple forms indeed figure best upon
paper but the mixed ones are preferable in real life
the first constitute the best romances but the latter compose
the better history absolute despotism tends to produce
by its rigor that very extremity of vice of which it is supposed
to be adapted as a remedy for the defect of despotism

governments is not to secure the subjects in the enjoyment
of their rights but to make them a property of the Despot
not to ~~suppress~~ suppress vice

of Justice independance & courage now a despotism
has not for its object the well fare or rights of men for all
its force is commonly employed not for the protection of
the subjects but for the preservation of the despot the
subjects are protected merely in the cattle of the Despot
in order to be killed for his suppers & amusement whenever
he chooses a Despot in short preserves his fowls in the
very same manner & for the very same reason as a sports
man preserves the deer in his Park or the Mabbots in
his Warren

One has a mind the emperor Caligula
was a fool

That all the Roman people
had but one wish that he might destroy them all
at once but he did not consider that that wish of the
Roman people would have comprehended his own

1
usur that can be required or expected by a Despot though
very true of reason wisdom just especially humanity & gene-
rosity must be eradicated from the mind of the slave of des-
potism in order to render him an unfeeling instrument
proper for executing the command of his sovereign for as
long as he feels any feeling affection attachment to worth
or desire of glory he must immediately become an ene-
mity to the despot & consequently the despot to him for a
Despot cannot believe that a good man can be an uncon-
cerned spectator of the

is thus for all despots being properly induced render
all good men to be uniformly their enemies immediately af-
ter the knowledge of their character & without any informa-
tion of their particular actions to think for one self to
at his constraints & assistance to love liberty truth ho-
nor & justice are so many heinous crimes in the eye
of a Despot

from continuing to be his slave
a Despot render himself to be more cruel & generous if he
only suffer his slave to live though in continual fear

happily suspended & constantly having an interest in
supporting her own liberty & counting every measure
laudable that seems necessary to support

only can move to a good man but must
necessarily be the enemy of every good man in her dominions.

We have never considered the great question with respect
to the best form of government & discovered that all
the simple forms have only a more relative good only
accordingly as they are suited more or less to the different
states of morals among nations & that men's tending to
the government arise wholly from themselves & in owing
to their own behaviour that whenever men have virtue to
a certain degree they may of course have liberty likewise
& when they become vicious to a certain degree they neces-
sarily lose their liberty & fall under Despotism. Liber-
ty must stand & fall together with virtue & cannot
stand without it & consequently all the enemies of
virtue ought to be considered as the greatest enemies

of trust & office

assumptions

require a variety of institutions so different constitutions
or forms of Government require or imply a different dis-
tribution of trust & office In free Governments of every
denomination

• executed hence the offices or func-
tions of state are naturally divided into legislation & ex-
ecution Legislation under every consti-
tution of Government is the immediate act of the Sovereign
power & cannot be delegated without transferring
his sovereignty in some governments indeed the jealousy
of dividing the Sovereignty is carried to a much greater
height than in others In Turkey the Sultan & the
Commentators on it are considered not only as the stand-
ards of religion but the Laws of the Empire & in En-
gland the King is acknowledged as the head of the
national church

• Ecclesiastical so jealous are they
in that country of dividing the sovereignty In all
the governments indeed ancient or modern of which we
have any account whether the union of the sovereignty

public Religion or standard of right & wrong to
which all States Governours as well as Governed are en-
gaged to conform their conduct & this has been uniformly
acknowledged & public concern & instead of being left for
the support to a partial tax imposed on a few by their
own consent has been uniformly supported at the pub-
lic charge by means of a particular profession & order
of men having the legislative judicature & executive
powers distinct from those of the State & thus coordinate
powers in some nations have been considered only as con-
current councils & necessary parts of the Constitution
In others again they have been the object of jealousy

who pretended to be in dread of what they affected
to call "imperium in imperio" But we have no
instance what ever of any government among the
antients or moderns where the judges had their
standards of right or wrong to which had adop-
ted different standards for that purpose the effect
of the management must be disowned only by

term

by the Collective Body but it is not essential
to Democracy that the whole collective Body should either
deliberate or decide accordingly, among the Romans be-
cause they had no notion of representation the whole
citizens at large in their public assemblies gave their
assent or dissent to laws that had been already deli-
berated on by the Senate

Citizens were smaller the whole body
deliberated on with or decided that the deliberation &
decision should be both performed by representatives is a
great improvement of modern times because these
may deliberate without those inconveniences that must
always attend very large assemblies

For having distinctly delibe-
rated what a very great assembly cannot do because
they cannot be conveniently kept together for a time
that will be sufficient for that purpose but the collec-
tive Body of the citizens instead of deliberating altoge-
ther in person for which they are totally unfit

Legislation

& what proportion of these present must concur in a public solution voting by ballot

but quite heterogenous to a republican constitution & contrary to that security to life & freedom

their opinion all that can be said in its favor is that it gives every one an opportunity of voting in secret which in free states ought neither to be denied nor granted but to much is left to the discretion of those who collect the votes or are employed to number them & it is open to many modes of deceit for which secrecy furnishes temptation

that a great many more votes have been given than there were voters & others have boasted after the election that they have given 5, 3 or 2 votes instead of one to a particular candidate besides cunning party men by concealing their real principles have

zeal & have afterwards told those who chose them by
this means a fair & certain amount to the public purse
cannot be expected to be attained by ballot

except to a narrow order of corruption & unworthiness of the dignity
of a free people. It would be nothing a very miserable
state of one lived under such a government where
they durst not express their real opinions & there would
be no reason this situation to cry out for the want of liberty
but this method of voting by ballot actually subjects
every man to that very condition which he would think

would tend to destroy all truth & confidence
among men who in this manner can never know the real
dispositions of their neighbours who may in this manner
be gradually serving one party even while they pretend
to be faithfully canvassing for another & to the great in-
crease of villainy & the corruption of manners as none
knows or will in what manner any of these managers

voted or how any
swayed by their negotiations In this manner
whereby a man may vote for a person whom he is
ashamed to name but it is much more suitable to
liberty, thought not to know that every man
should give his vote in the most quiet manner

but those cannot be properly called free men who
manage their votes & deliberations in a manner so
opposite to liberty the English mode of

men worthy
of free people than conducting the matter as if the
electors were committing a theft instead of giving
their opinion these electors who are chosen by
ballot can never have any such thanks for

who were their real friends can give them no token to
distinguish themselves from their enemies in short some
were to divide on purpose

& most open & conce-
nient to fraud & Treachery he could not fix on a more

official method for these purposes than that of voting
by Ballot.

Lecture 194

The promulgation of laws is still very imperfect under all
forms of government that we know of
to say any of them. An every government is un-
der the necessity of supposing that the law is actually known to
all the citizens though they are sensible that this is not really the

as far as possible but the great multiplicity of the laws by which
states choose to be governed & the numerous & confused produc-
tions of their legislators every year are rendering this more & more
impracticable; but when ever men begin to think liberally &
rationally on the subject there will be some abridgement at
least of the statutes that can be communicated to the people
because no man can be said to be truly free who does
not know what laws he is subject to & yet this is actually
the case with all the inhabitants of free states but people are
as easily cheated with regard to liberty as any other thing
whatsoever & may be as easily induced to put up with
less as they are apt to insist for more than is actually

the late consideration the members of Congress were not
obliged to attend & had it left in their power to be as tract
error to this constitution as they had a mind & even in
the new constitution this irregularity has not been at-
tended to & the members are still left at liberty to
attend to their duty or not as they please thus the
most important question to the public may be totally

members going out to follow his diversion & yet the Law
has nothing to say to him for the scandalous neglect of his
duty the constitution of this state likewise does not bind the
members of assembly to attendance except when they please
& at the same time it requires $\frac{2}{3}$ of the members members
as a quorum for the passing of any Law so that one ill-
disposed person by adding his influence to the 3 part may
easily outnumber all the proceedings of the other $\frac{2}{3}$ of the
assembly by leaving the house without a quorum
when any Law is to be passed & although such ridiculous
incidents as these have not often taken place yet
they have happened more than once & citizens have

but by the most obvious maxims of common sense it ought
not to be left on the power of any person or any party
to behave in this manner because by going out of the
house without leave a minority may at any time go
over a majority without any consequence their reason or bring-
ing them over to their opinions but merely by deserting
their own duty as much for the interest of the public

house during their session as that they should be accounta-
ble to their constituents at their next election although neither
of these are actually insisted on yet there are many
who contend strongly for the latter but seem to pay
no regard to the former at the consecration of the Roman
Senate each member turned a few grains of incense on the
altar of victory that stood in the midst of the senate house
immediately upon his coming on by way of devotion &
in form

been uniformly begun by prayers though this form is
often very little attended to each house of the English
Parliament has a chaplain for that purpose though the
custom is that scarcely any of the members except the

Speakers attend that Ceremony

The attendance of these members as
when there is a call of the House the Speakers send their
sergeants at arms to every part of the Kingdom

a cent of their absent members is obliged to pay 4^p Sterling
by the day to the serjeants that brings him to his duty & it
is perfectly obvious

no authority without fixed regulations
binding the members to attend under a penalty & never
to leave the house without leave asked & given by the
Speaker to insure the authority of the house in England
the building in which the Parliament meets is pro-
vided with a number of retiring rooms for the conveni-
ence of members that they may not be obliged to leave
the house on pretence of necessity but as these last insti-
tutions are liable to corruption these retiring rooms
are commonly used for playing at cards in the time of
the debates which does not much mend the matter as
many members follow their gaming in these private
rooms during the whole time that the question is
debated by the rest & only go onto the house to give

appears that the most sage resolves of an assembly
of heroes & patriots for making & constructing a
political constitution may be in a great measure
lost by the neglect of a few necessary forms. Suspect-
ing the execution of them when a representation is
chosen he ought to be obliged under a heavy penalty
to attend to his duty otherwise his elections are entirely
in vain & when the members are actually in the
house unless the speaker have authority to pre-
vent them from going out on business whatever can
be done & any business however important may
in this way be hindered or lost where laws are
appointed by a political constitution to be made
by a certain assembly every thing that is neces-
sary or order is thus being made & for their being
the deed of that assembly ought to be supposed
to be appointed at the same time under a dis-
cretion the collective body of those who govern
whether by election or hereditary title must exercise

The power of Legislation notwithstanding they
may act under the same form & regulations that
have been mentioned as necessary to a Body of
Magistrates. Aristocracy an subject to faction
and if their legislator is an elective one these
factions by coming alternately into power at different
times may keep the whole state in constant confu-
sion & on a great measure destitute of any fixed
laws by each of them repealing & pulling up what
was done by their predecessors. Suppose that the legis-
lators of an Elective Aristocracy

that unless cer-
tain leading conditions forms & regulations were esta-
blished no scheme of legislation whatever could take
place among them because whatever is done in the
first two years may be abolished in the 2^d. & restored
in the 3^d repealed again in the 4th & so on without end may
the inconvenience may either attend the assembly of a
free people if they are not averse to
anarchy something very

Senate in the decline of the Empire it appears from the history of that Period that when any measure was rejected at one time it was sometimes recorded

into a Law but it was not in the power of every person to take this course. It seems at first to have been the established custom that any measure that had been once thrown up by a majority of the Senate

at least for a very long time but the emperors at last gave privilege to certain Senators to revive motions that had been already

or even 5 times by the Senate a privilege of this kind was called "jus suum a tertio quarto quinto relationis"

To particular persons must be of very dangerous consequence & if it extended to the repeal of laws already enacted would unhinge government altogether the method of proceeding in the English Legislature is very exemplary & commendable on this head

'House of Parliament gives notice of his intention &
of the motion that he intends to make for a con-
siderable time before so that nothing can be carried by

notice & attend

It is agreed that on the Motion made the right of
removing the same motion 4 or 5 different times did not
extend to the repeal of laws already made but solely to
new ones the repealing of laws already made ought
to be a matter of great solemnity & deliberation & when
a private party has acquired any interest by the deed
of one legislator it ought not to be in the power of
any other meeting of the same legislature at any other
time to revoke that deed of theirs by which a private
party had acquired a right otherwise there could be
no security or faith in government but a contract made
in the name of the people by one meeting of the legislature
might be revoked by another meeting so that the assem-
bly of the state would get so bad a name among the
Citizens that no person whatever would trust them
or trust them for the smallest matter now to de-

Adams thinks that any single assembly in a State
would be liable to all the inequalities, exorbitances & trans-
gression against the rights of private parties that ar

Other respects in which a single & unbalanced assem-
bly of legislators may be compared to an elective Aris-
tocracy that they are so obvious that they need not be
mentioned under an absolute monarchy the power of
legislation is exercised by the monarch but he is suppo-
sed to stand in need

an inconsistency might take place
the French monarchy had till very lately Parliaments
consisting of lawyers & judges chosen by the King & com-
monly too for a sum of money

of the monarch &
these French Parliaments though they had only a
right of remonstrance against the intensions of the King
pleasure & actually

As they were in some degree independ-
ant & have often exhibited in their remonstrances
such sentiments of liberty & Patriotism as would have

Men offend their Sovereign & the Parliaments were
frequently banished for their Monly behaviour but
Lewis the 13th entirely destroyed these Parliaments &
annulled

successor to have restored them
as they were but the abolition of the Parliament
threatens to have an effect quite contrary to the de-
sign of the monarch so that the French nation
have become more zealous for liberty than ever &
will probably soon be a free nation

is likewise
the supreme court of Judicature • Judges on the last
resort both in civil

of Government in the
course of the Thing with the same anxiety that free go-
vernments endeavour to keep them separate now if any
single person or assembly proposed all these branches or
the Election of them under any offensive form what-
ever that government would be really a monarchy
The legislative power of a King may be qualified by
the form of registration or promulgation that are

under the French Government the registration of an
Edict by the Parliament was necessary to give it the
force of law till these assemblies were abolished when
they refused their consent it was usual for the King to
convoke what he call

to erase the refusal of the Parliament & to register the Edict

where the French Parliament lasted but
was thought to be so very dangerous that the want
of it could only be supplied by the solemn

of any sort the power of Legislation
must be exercised by the concurrence of all the collateral
powers for if a law could be enacted without the con-
currence of any single power that power may be sug-
gested

two or more Branches it is
enough that they must concur before any law
can be passed jealousy & fear of tyranny has dictated
to different States different modes of dividing their
legislative power & securing the concurrence of several

Branches but it seems to be a natural idea among
free people

The whole business of legislation

that two or three Branches afford so many more
chances at least of upright & honorable procedure
the third part of the Legislature Government can
never have as much influence in turning men heads
or executing their vanity as the possession of the whole
power of the Legislature which we see has frequently
that effect so that a Legislature consisting of 3-
branches e.g. has thereby 3 chances of providing wisely
for me

we must to-
gether & to decide questions of Legislation by the major-
ity of the aggregated Body any law defined the govern-
ment would cease to be a mixed one but when a con-
stitution has divided the Legislative power into 3
Branches these must have a mutual negative on
each other

therefore in a constitution of
this kind ought to be as fatal to any proposed

Law as the want of assent

with a variety of

forms relative to the proposing & enacting the Law. though it sometimes happens that these forms speak one language & the Laws quite another thus E.g. all the Bills that are brought into either house of Parliament in England are in the form & language

just & plain things &

the Royal assent that they have the force of Law & assume the language of authority "Be it therefore enacted by the authority aforesaid". The necessity of money Bills

each branch has a negative on the other all of them must be assented to they are only laid under a necessity of concurring in ordinary measures

the matter of every Bill was first approved by the Kings Council then the houses were permitted to debate it & petition that it might be enacted & the second Royal assent which however he owed to the

being in fact granted already —

Lecture 195

Sovereignty of any denomination who have suffered
Courts of justice to follow custom as a rule of decision

as a law
the most essential & sometimes the greatest part of the laws
of a country are derived solely from ancient custom

the reason
that is usually said to antiquity generally gives its customs
much more authority than the most upright wisdom of living
judges besides one thinks it no hardship to be under the same
laws with his ancestors whose memory he reverts customs of a
vested by time are supposed to be allowed & to have the high-
est authority when a custom is so ancient that we know not
the original of it it is only so much the more venerable on that
account jurisdiction or the office of admiralty is to interpret the
law & to apply it to particular cases this office under every
free constitution ought to be distinguished from that of the legisla-
tion for as limited monarchies have often refused to allow one
by an excess of confidence free governments are generally very
jealous of trusting too much to judges for this reason it

into parcels & to intrust each parcel to a different Body that
none may have too much in their power & that there may be
the less probability of their conspiring together against the public
the mutual jealousy of the different branches of the Legislature
when they do not rise to resist or interrupt the course of business

Men of men who are jealous of each other will be watchful & guard
on each others conduct & none of them will suffer the other to trans-
gress the fundamental laws of the constitution without notice &
complaint according to the ideas of our government the Legislature
& judicative powers should be always separate or being thought
too much to be intrusted with one branch or Body of men the
sovereign being accustomed to command cannot be supposed readily
to submit merely to interpret or to follow a rule An arbitrary
government however the judges are the ministers of the so-
vereign & explain & interpret the sense of his Edicts which are their
laws from one another a judge by his office is supposed to
be impartial so that though his sentence be reversed on
an appeal no expense however falls upon him as the law
constantly suppose that his fault has proceeded merely from
an error of judgment but Eastern Nations
judicature than are common
in Europe Thus we are informed by Condorcion that when

Cyren pronounced a wrong judgment in a cause

ing to their manners & their notion of the duty of judges for
we read elsewhere that when a person judge was convicted of
Bribing or want of integrity in judgment the thing ordered
his sin to be played off him & desired for a corner to the
bench at which the superior was to sit

was continually before him he might anxiously attend to
justice if he expected to sleep in a whole night or ordered to
have any sleep at all left him In the same manner in
China

the just sentence of the superior court
goes against the judge who pronounced it the friend against
the lawyer who argued in support of it & the Daga against the
party who gave the bribe or who profited by the unjust
sentence by the law of England all the sentences of judges
being supported by the verdict of juries are never held to
ground from malice or ill-will of contention particular
cases are modified by circumstances that create preju-
dice or excite passion if the sovereign were left to
judge he having no superior might be enticed by

law ed. be apt under the influence of
despense with it but the contents contained very
different ideas from us concerning the duty of

in person
e appeals from inferior courts were heard e decided by the Em-
peror

had the honor of hearing the apostle Paul e men of doing
them justice the just man Horatius in Livy when condemn-
ed to death by the people for the murder of his sister appeal-
ed to King Pullus

Roman Emperors were wont to hear causes in
the courts of the temple of Mercury e when Philip of Ma-
cedon once told a poor woman that he had not leisure to
hear hear her cause she replied how then have you leisure
to be King considering it as the chief duty of monarchs
to hear

David in the Holy Scriptures e of Cyrus
in Xenophon show likewise that the business of education
was considered as an indispensable duty of

our own times by the laws
of Denmark the King hears causes twice a week -
the King of G. Britain receives petitions both with regard

to cause a claim though he does not personally
perform any act of judicature but as the custom of
the Court is that the thing without reading

of them to read as that Lord thinks proper to give him
e if he gives any attention to them it is by recommend-
ing the matter to his judges the wisdom of Solomon was
chiefly displayed in the personal exercise of Judicature
but in modern times it is thought best that the of-
fice of judicature should be separate

for that purpose Princes may be serviceable to justice by
making good laws by shortening the time of action or

of litigation the present Emperors of Persia & the late King
of Persia have been of the most signal service to their
subjects by modifying & abridging their respective codes of
laws it is commonly supposed however that most ab-
solute monarchs connive at the length difficulty &
expense of law suits in order that their subjects being con-
stantly employed in contending with one another they
never have any leisure or opportunity to unite in
any design against the government the family

in every country are supposed to be especially common ^{to} ~~though~~ all pro-
cesses of

influence rather than to ease his subjects that
the late King of Prussia reformed the Code of his Kingdom
In France just as always of an uncommon length hard to
be brought to a hearing apt to be removed from one court to
another the Spaniards found no better method for ruling
the people of Naples in subjection than by employing them
in just

attention of the people from the proceedings of government
for while Naples was governed by a viceroy it was subject to
many rebellions so that a book was published more than
100 years ago entitled the History of the 2^d Rebellion of
his majesty's most faithful city of Naples

obediently & mo-
ny of them in low circumstances they used to be apt to
quarrel with every order of government but the Spaniards
by encouraging the study of the law made it so fash-
ionable among them

words if he were en-
gaged in his suit already yet for the sake of the fashion
in order to be like other people was obliged to buy a suit or two
from some of his neighbours they have had less need
however of that expedient for Naples had a King of

judicature being apt to be swayed by faction & the preju-
dices of the multitude the providing against it is made by
Bill of a tender

then making laws with a retros-
pect so that it is quite inconsistent to the genius of a
free nation though the famous magna Charta of England
widely admits of it in that clause wherein it is said that
no man shall be de seized of his

Person or by the Law of the Land
which alludes to bills of attainment this clause of the
Great Charter has been ignorantly copied into some of the

we don't do it not in

have freedom have be
in earnest in the case of the Earl of
& lately in a sham manner against

accusers but even private judges have been suspected of being
influenced by faction thus King Charles the first prevailed
on the most of his judges to approve of his levying ship-
money without act of Parliament the judges on Trans-
lating the fashion of that Country

company though they receive
private visits & solicitations when private gentlemen are

introduced to the King of France the first question that
he put to them
in which if they satisfy him he deigns to
ask them

to the first, that they have never been
in his mind learn his books & take
no more notice of them this at least was the method
of the late King now when suppose that he had been
employed

given it in favor of the person who had
been in his service rather than the other the judges in
England

are generally supposed to be very
compliant to the crown but a separate order of men
are at any rate more unexceptionable than a popular
assembly. Persons if employed in judicature would pro-
bably be swayed by their passions or by sollicitation than

complaints of the conduct of the duke of
Middleton his deputy in Scot-
land he told Bishop Menet that the people had men-
tioned some damnable things as he called

Service
It seems that he did not confound injustice or the oppression
of his subjects
which would have rendered him an excu-

ing had judge of any such laws had been brought
before them two questions may be put relating to judica-
ture

First composed with regard to the first of these
wherever laws are greatly multiplied the knowledge
of law becomes a profession. when this is the case it
is exceedingly inconvenient & indeed absurd that the judges
should be ignorant of law as that must make the pleadings
in a great manner an unknown language to them

After determining matters of law as well
as of fact it were to be wished that the knowledge of
the law were more easily attainable & that knowledge
in general were more widely diffused because of those
obscurely that many causes are decided directly contrary
to law through the ignorance or prejudice of juries
• persons but no judgment can be safely given at least
in a cause

Those who are learned in the law the office for
which council is necessary is that of pointing out the
law & the whole law in any particular case but
when the law consists mostly of precedents as in
England numbers of these may be brought on both

The matter thus would be
no taller than a lottery because the Counsellor who has
actually advised the justiciables on his side might
more diligently for his sole collection of which the sta-
tute of England

in his head or to be ready
to quote at all occasions but persons who are not
lawyers by profession may in the manner of the an-
cient Roman judges & the judges of England

to them
It might be difficult however in many cases

of law when a mist hairs had been taken on the
one side to render it obscure to them as could be taken on
the other in order to make it plain upright & can-
dour are of the greatest service on these occasions

for the
most part but the Roman law had not attained
any great extent in the time of Cicero as he boasts
that by a short consultation of a lawyer he could make
himself perfectly master of any point of law

& eloquence of the pleader than upon his skill or

The Law though Eloquence was often of little avail even to
its Professors

For justice a Law appointed by the public to keep the counsel for
the contending parties within the bound of their duty & to prevent the mis-
leading of the jury when the administration of justice is entrusted entirely
to official judges it may be attended with the following inconveniences
the official judge being a continual magistrate may entertain preju-
dices

The peculiar preju-
dices a partiality of the official judge may be known & they who enjoy
his favor may be tempted to trespass in hope of impunity or to com-
mence vexatious suits in hopes of success & those who apprehend his
displeasure may not feel themselves secure even in the possession of con-
siderable innocence these objections have their greatest weight when
applied to single judges than to a equally balanced though not ex-
tinguished by large Courts of Judicature a single judge indeed may
be consistent overbearing indolent or passionate he may confound
the most intelligent lawyers by insulting behaviour & imper-
tinent interruptions he may prefer his own ease & luxury
to the painful duties of his office & when his prejudices are
~~some~~ human others may know how to govern them by means
of them but when there are more in the same Court the differ-
ence of their passions & attachments may balance each other

may be useful either on their conduct but the passions even of a single judge does not necessarily confer an advantage in favor of one party but may sometimes be made use of by either at pleasure besides the fear of honor the love of fame & the force of the eye of the public may be a great counterpoise to the prejudice of a judge when he reflects that both parties are attentive to all his actions & ready to draw the most favorable inference for their several pretensions from all his words & gestures this may likewise prove an antidote to many prejudgments it is true that invidious & passionate men may make the law & the office of a judge the instrument of their private vengeance.

"

" *Carmina arbuta: quibus est inimica venenum.*

" *Grande malum ducit seque se judice cecitet.*

On the other hand some men have indulged strong prejudices against all men of the law or general

supposed to have against the
rust of the subjects & these prejudices against the faculty of Law
often produce many unfavorable & unfair judgments with respect
to their conduct The same common place prejudice are entertain
ed by some people against the faculty of Physic as we may easi-
ly see in Montaigne
the author of Hudibras being always a very poor & often in
debt supposed no small prejudice against the faculty of the

et Moliere. M^r. Mutter

law as we see in his works and almost all our modern
infidel writers take like monast of their senses whenever

at them is indeed impossible to say but the bare mention of
the clergy sets them at raving for the most part the cause
of this passion cannot possibly be that these writers are not
paid for their services as well as the clergy on the contrary
very many of them & indeed most of them have received
high gratuities from the public without being in the least
aware of their raving against the clergy Mr. Hobbes had
a liberal pension from government though the Earl of
Downshire

long a year Lord Harbort was French Ambassador Lord Shaftesbury
being held officer under the government Lord Melbourn was
Secretary of State & Mr. Home had a pension of 12,000 £ sterling
for writing against the Christian religion

Chrysmen in England except the Bishops ever enjoyed for
supporting the Christian doctrine in estimating the me-
rits therefore of any profession more than

however of being led by general preju-
dices or judging according to common place reasoning rather
than sober truth & experience when we apply this rule

that as few of that order in proportion to their number have been justly chargeable

the proper remedy against the ^{professional man appeal} prejudicial judges of the last resort in our the state will not want the benefit of a good administration of justice notwithstanding the prejudice of inferior judges. The House of Lords in England may be reckoned a very impartial Court but seldom an attentive or judicious one the members of that Court having the privilege of judicature merely by birth & being mostly devoted to dissipation & the pursuit of pleasure

judicialise they generally give too little attention to the matters that are brought before y^m or blindly follow the law

to prevent in any of them even to attend the house in order to do their duty or to divert a moment from the more important concerns of horse racing cock fighting cards & intrigues. The inconveniences arising from appeal judges are removed in some measure by the appointment of judicature in the Roman form or in that of the jurist. The Jurymen of the is sensible of their duty & situation is equally intempered to protect the innocent & to condemn the guilty. Some have been of opinion that juries may be properly intempered with some measure of discretionary power to mitigate the

regions of the Law or to supply the defects but juries have
their prejudices as well as judges though they are not per-
petual but merely occasional magistrates & an apt
to use a great deal of discretionary power even though the
law has not intrusted them with any & when they con-
sider any law as hard or severe may find many ways

clear & strong it is a common case in England on charges
of grand Larceny for juries in order to bring off the Plan-
tiff to swear that the goods stolen were under the value
of 40 shilling. though they may be 10 times above that va-
lue in order to prevent the charge to petty Larceny which is not
capital. It has been clearly proved to a jury that the defen-
dant stopped the plaintiff on the high way & forced him
to change half a crown & on his taking out his purse

^{offence} that
on totally fear of his life he was obliged to
ride off after having seen the defendants take his purse from
the ground but after all they jury found that it was not proved
that the Purse which the Defendants took up was the very
same with that which they knocked out of the Plaintiffs
hand so

cause a jury that the
defendant mistaking the Plaintiff on the high way gave -

of his whip • that th. Plaintiff said was seen immediately
covered all over with blood yet the learned jury found that
it was not proved that the blood which was seen on the Plain-
tiff's
defendants whip, but that it might have been from some other
cause or the accidental bursting of a vessel on the nose or
the like it would be very difficult to produce any instance
of prejudice in official judges equal to that of jury men
Mr. Hume's Philosophy which denies that there is any con-
nexion between the cause & effect was not then published
but this instance abundantly shows of how great use that
philosophy may be to corrupt judges & jury men when
they want a pretence for perverting justice The belief of
the fashionable sceptic philosophy if we may apply the
term of believing to men who profess to believe nothing is
most dangerous for judges & jury men & may deprive the pre-
sent citizens of the benefit of the best laws on the world

Roman judges & the official judges learn-
ed in the Law may be said to be a modern though a very
useful convention either very great submission or great anti-
pathy to judges on the part of jury men may in these terms be
stated to justice & the interests - of mankind; but if the

Obligations

adhered to among the generally of the people jury men
will often bear bad characters so that the administration
of justice must be very imperfect

judges on the world Experi-
ence has abundantly shown that a dishonest ignorant or
unprincipled

with as much impu-
dence as a little ceremony as the tool of a Despot &
alas! with the same freedom & safety because no jury-
man is held to be responsible for the verdict or award

England that bad judges have seldom been restrained
from perpetrating justice for want of justice to their minds &
that good judges have been often interrupted in their admini-
stration & obliged to neglect their duty by juries that were
disposed to give every thing in favor of the crown

good laws & even the best of judges can be of no benefit
at all to the public without integrity & good morals in
the body of the people when a people are divided into
several orders & classes as those of Patricians
Knights & Plebeians Lords & Commons the rights
of one order would not be safely intrusted to the -

judged by his ~~Peers~~ however the

the Peers to the judgment of the Commons
providing only that one Knight who may be supposed as a
middle party to be free from the prejudice of Lords & Com-
mons

~~Peers~~ must be supposed to arise from different Rank or party that
in some cases they ought not to have the power of judging each
other yet distinctions is so agreeable to the nature of man &
so unavoidable in the nature of things that it has ta-
ken place every where even in Swiss republics which
are the dearest & the purest that we know of in the world

foundations of attachment & consequently

to the laws & rights of individuals to be tried by
our Peers must give the greatest security to an innocent
him to be perfectly easy when that is not the case besides
the spirit of emulation which is excited by distinction of Rank
& the useful fermentation which it excites in society are
advantages which cannot be attained nor even conceived in the
dead level of republican parity. This emulation produ-
ces a high degree of activity a sense of honor & an elevation

of soul in which the
of soul in which thus lowest ranks may contend
with the highest & this emulation not only

on the right of one another but prevent many crimes
of species of bad conduct that naturally arise from mean-
ness of soul & a disregard to honor & regulation
with regard the second question concerning the num-
ber of judges in court it may be said that an

of few members because those that con-
sist of many members are apt to carry popular passion
& party into the judgment & it is found by
experience especially by that of juries that every individual
in that case hopes to screen himself from censure even
on judging falsely

& credit of the whole body when a new sense
of honor is not to be found numerous bodies of men are apt to
encourage one another in injustice under a republican govern-
ment therefore all bodies of men that are not incorporated
for men communal purposes will be found uniformly to
judge & act much worse than individuals or bodies con-
sisting of lesser numbers for the proof of this let us only

imagination to those of a nation & then after analysis if it
could be possible for them ever to think or whether there is any thing
on the earth that could make them ashamed now the circum-
stances as well as the general prevalence of ignorance is one
of the reasons why the generality of men seldom judge just-
ly either in matters of right or in matters of fact having no
character to support & being under no check or restraint
from without either in the way of shame or fear besides the
generality of a party must commonly live in error igno-
rance prejudice & the belief of gross falsehoods no one is account-
able for one is conspicuous above others no one has any to
fear from wrong judgment all are tempted to hearken their
party & to judge at dissection when innocent persons there-
fore on occasion of unjust attacks upon their character appeal to
the public for redress they must be understood to mean by the
public not the generality of mankind but only the intelligent &
discerning few who alone deserve that name who judge with
reason & are contented with the truth but with regard to man-
kind in general the character of every nation is on any
measure perfectly
conformably according to the nation that different parties form
of him very high perhaps among some & very low among

there is often times without any good reason on either side
on the casual judgement of the ignorant & that of men of worth
upon the reasons of the worthless for such is the condition of
human things that the most numerous court of Judication
namely the public at large is always the most ignorant
& enegatory one though it can be to no purpose for any
man to appeal from ~~his~~ its sentence.

though possibly
of another kind here the inference that are given by the
public at large fall universally to the ground because no man
applies them to himself but it is quite otherwise with re-
gard to concerns on the public

as he can thus in the praise
that is given to our own country or country men every man
considers himself as entitled to no small share of them
but when censure are pronounced on our country every
man puts them away from himself either supposing them

generally he himself has a share of the desert under
monarchy on the other hand courts of justice are best composed
of many men because here the influence of the Court is more
to be dreaded than the frowns of the people in a republic it
is the business of the judges to be a counterpoise to the prejudices of

only few are to be found that have either courage or inclination
to do so but on the contrary the influence of the crown is so
very formidable that single judges or small numbers of men
cannot be expected to be able to withstand it & therefore the
French Parliaments while they existed being numerous
bodies of men

in that Kingdom such a number of men
generally unanimous & without any personal interest hold-
ing office under the King & yet standing up boldly in the
cause of humanity & justice were not an object to be de-
spised merely a thing of straw

of no avail —

"Sed illi defendit muros junctaque armis phalanges.
A single person or a small number of men have no resistance
cannot withstand the influence of an absolute monarch
when a poor Post was once offended by some verse of the Em-
peror Augustus he was asked by some of his friends why
he did not write against them

for writing against a man that had 18 Legi-
on under his command"

"

alluding to the

proscriptions
Papinian the Lawyer suffered death from the Emperor.

to an unjust Edict &
in the faculty of the law the influence of the crown can
lift over all corrupt numerous Bodies than single men or as far
as numerous Bodies even under a monarchy admit in their deli-
berations of all that zeal & ardour that animate popular
assemblies & even when they do not judge more impartially than
single men might have done

the many which
we have shewn to be sometimes so partial to justice in
an republican government becoming salutary undertakings in man-
aging an upright servants of the Crown are at the same
time friends of the people who unanimously con-
siderate encourage are another greatly in support of
the rights of mankind they feel a mutual inspiration
from the zeal of each other & defy the terrors of death in
company in the same manner as children who are very timorous
on the death if they are alone but boast like great he-
roes when they are in company

Lecture 197 May

The Spirit of Faction which in Monarchies is the greatest
corruption tends under monarchies to prevent a full quota
one viz. civility to those in power that has formerly offered of

all the simple forms of government have a constant
tendency to change & corruption thus Monarchy tends to

that negative therefore must be in the soundest state
where the spirit of faction is ballanced by wisdom & the
Prejudice of the few & on the other hand that monarchy
must be in the soundest state when the influence of the
Crown is ballanced by the spirit of faction & the prejudice
of the many a proper mixture of the opposite powers is an
antidote to the wrong tendency of each of these simple forms
of government for as among young men these are most appro-
ved that have something of the sagacity, judgment & reflection
of the old & among old men those are most approved that
have something of the cheerfulness, spirit & doubt of the young
In the same manner these monarchies are the best which
have the greatest quantity of the spirit of liberty in them
& those Anglican or uncertainly best which have most of
the spirit of monarchy

& the more paid without
difficulty or reluctance on the other hand the misfortune
that there is to be found in a monarchy the former must
it degenerate into a despotism & the more faction & con-

tempt of government that there is in a Republic the
power must not fall into anarchy

extreme land at
last in the same disturbance and so that there cannot be
friends to the republicanism or monarchy who encourage either
of the two. The office of the executive power is to apply the
force of the state to national purposes first to give effect
to the laws & secondly to defend the community against
foreign enemies. Even the collection of the
justice

Authority of the laws must be in great danger of being defeated
especially in a Republic if no show of force can be made. All exertions
of the force of the state its own Citizens must
indeed be always disengaged but may be sometimes necessary
& for the want of it when necessary the state itself may fall
into destruction. In most cases a government will be respected
either at home or abroad only in proportion to the force that it
can command or bring into the field at pleasure. As much of
the Principle of Union therefore must be kept up in every state
as will the Citizens either to submit to the laws
without constraint or which will be able to produce a force

But to be

necessary is exceedingly comfortable
the agreeable to good citizens must add greatly to yr.
tranquillity but when the case is otherwise when the state
has either no force at all or so little that
a shew of it for fear of tumult among the people
good citizens must be filled with anxiety & have great fears of
danger both from without & from within the execution or at least the
execution must be exerted on either continual or casual
& in case of danger from abroad it requires swiftness & dispatch
In all wise states it has ever been thought advisable to have
a constitutional force constantly on foot ready for any sudden
emergency & continually disposed to obey & execute the orders
of the Sovereign either abroad or at home but where this
force is either totally wanting or so feeble when it is necessa-
ry it is not easy to see how a respectable government can be pro-
served at home or how the citizens can be in safety from
foreign Inroads many states are at a vast Expense for Garrison
Fortifications & frontier places the Kingdom of Spain e.g.
has its extensive land frontier guarded by a double row of
Bastions threaten to crush & destroy all the

enemies that

was when the Power of France was very low the Duke of Marlborough then at the head of a great victorious Army was urged by some about him to march his army to Paris lest he might like a royal friend a prudent general that he know of a thousand ways into France lest that he knows of none out of it The success of the son of the ex-culture of a state may often entirely depend on the secrecy of its motion

command of it. On choosing proper people for that purpose consists a great part of the art of a state & the meddling with them a great part of its good fortune The sovereign in Republican governments consisting of the whole people or of numerous Bodies cannot exercise their executive power there are some branches which though exceedingly plain

The necessity that there is of separating the legislative judicative & executive powers on a republic The power it is true is derived from the people but it must be derived actually from them to others before it can be applied to their benefit as they cannot exercise any part of it in their own persons lest when any person whether legislative judicative or executive

contrary to good order to law & good faith for any one citizen
or any member of the citizenry to oppose the action

delegated but it is their duty
on the contrary to support & submit to the same for the good of the
community as to oppose the delegate appointed by the people
in the framing of supporting the people right of power is not
only against reason & common sense but is treason against the
state & a subversion of all order & government whatsoever that
those opposed of delegated power should be degraded of it as soon
as the stipulated & legal term is expired

during the time that
they had the use of it is indeed no more than reason but if
during the time that they are legally in possession of it they are
intempered in the exercise of it by the people they cannot fairly
be made responsible for the use of a power which they have not
really been permitted to use at the same time the state may
suffer the highest detriment by the interruption of the use of
the power

Such large Bodied men as
constitute or represent the sovereignty in republics cannot
thus be continually assembled nor ready to assemble at all

than can be expected in any numerous or popular assembly
but the necessity of the people delegating their power & being
subject to the person to whom they have delegated it

public distress at such a time it would be most ridiculous
as well as ruinous & impracticable.

resolutions of the popular assembly
before any measure was tried to
single person or small councils will then
be able to do much on

armies & having power to control the authority of the ge-
neral have been found to be very pernicious the commissi-
oners of the states who attended the Dutch Stores in the army
of the Duke of Marlborough

the American Providers who contracted the operations
of their generals have been a great misfortune the cause of their too
long

absurdity for a state to employ a civil magistrate to control
the operations of a military commander to be little less ridi-
culous than to employ a military man to guide the operations
of education yet not only the quill but even some men

the French were wont to enjoy
both on the supreme & the subordinate stations
& the late Count De Grap was the first regularly bred seaman
who has ever commanded a French fleet & was a Clergyman
have been sometimes appointed to that office. In the reign of

of France & governed the operations of the
French navy according to his direction while he enjoyed that
office the De Perignon governor of Guienne

into his presence but was told by the admiral that he was busy
in dispatching orders for the fleet

The Duke resenting such an in-
dignity to a man of his quality & at the same time deeply
jealous of the ascendancy of the Archbishop acting as admiral at
France went away in a rage & when the Archbishop some
time after waited on the duke for his former leave of absence

word that he was then reading a few chap-
ters of St. Augustine & St. Jerome & that he would wait upon
him as soon as he had done reading these chapters & when
the

with a Candelabrum wax candle upon it & in his
hand by way of showing him in what manner an Ambas-
sador ought to be employed rather than in presuming to com-
mand the French navy officers that come in concert that
admit of delay

select council such as the management
of the public revenue negotiations & sometimes treaties but
affairs that come suddenly & by surprise that will not ad-
mit of delay must be committed to single men as to the
magistrate or officers who have the keeping of the peace or
the leading of the armies the ancient Romans were so
simple of this that in times of confusion or distress when

they chose a Dictator with absolute power but as mankind are
extremely apt to pass from one extreme to its opposite they mis-
took for any turn to the Dictator's power or made him
responsible

grew worse than the disease Sulla brought him
to the brink of ruin by his very prosecutions but he saved
him by voluntarily laying down his office upon that occasion
He takes notice that Julius Caesar

for laying down the

Dictatorship Sulla

dictatorum deponit "c afterwards when he got the dicta-
torship himself he showed his own maxim by turning

he totally overturned the liberties of his Country
It is commonly when men learn strength by opposition or dis-
appointment in some favorite scheme that they are apt to
hasten to the opposite extreme & give their consent heartily
to things that prove

followed such persons are dangerous
for public trust in any capacity a man ought not to expect
to have all his will in every public deliberation & if he gets others
to go half way with him he ought not to grudge to go the
other half with them. Perseverance & attention & always doing
something

for the public interest will be found to be much more
profitable than a proud & domineering temper that obsti-
nately refuse to act unless it may have its will gratified to
the utmost extent. This is a great

the public & that is
evidently the reason why republics lose more advantages &
are exposed to many more inconveniences from men of
this unhappy temper than any other form of government

that can bear contradiction quietly & wait for fit opportu-
nities of action is by far the safest for bearing public trust
in commonwealths but men of this cast

For want of measures completely a compliance many favor-
able opportunities of acting have been lost that could never
afterwards be recovered thus when the Venetians

continued but as he was
desirous to make the whole honor a success of the negoti-
ation to depend upon a work of his writing he ordered his
Embassador St Venue not to present his book to the Senate
or to make any proposals till St. James day which
was then at a considerable distance

policy of the King to make proper concessions to the State of
Venice so that when the Kings book & his proposals were
at last presented the Senate graciously told the Embassador
that they had already settled matters with the Pope & had
now no occasion for his master's mediation —

Lecture 190. May the 9th 1789.

Under Monarchy whether absolute or mixed the
King is capable of every branch of the Executive but he ought

to delegate to others whatever may contribute to render his powers
serviceable or divine

Objects of respect & affection Many men have indeed have
commanded their own armies in person with honor & success but as no
man possesses all sorts of talents

even though he may have some knowl-
edge of military affairs may be very unfit for appearing at the
head of his army & therefore ought to delegate that office to
another The celebrated Nicholas Machiavel who is the author
of the whole of the modern

Politics refused the command of the
troops of the Duke of Tuscany when it was offered him a man may
have a theoretical knowledge of another profession than his own
qualify superior to most of those who exercise it & yet may
want that extemporary bravery & composition of mind that is
the necessary for reducing the theory into practice. A man
by studying mathematics may understand & describe very
well & even teach it with reputation though he may not
be fit to steer a ship or to figure a nationing The celebrated
Mr.

Newton himself told himself & more confessed to the sailors
imagining that by his great skill in mathematics his reckon-
ing would be far more accurate than theirs at least be-
ing impatient to convince them of his importance and

what an unspeakable advantage it was to them to
have a professor of mathematics on board confided
to tell the sailors that in 3 days they would see land
thank you for nothing. master replied a sailor for the
Cape already the Philosopher did not observe

Speculative men however may
be of great service to the art & may sometimes even discover
matters that have not occurred to those that employ them
every day there are prejudices of practice as well as of
theory & those who are engaged in the practice of any art
are apt to have too great a contempt for the judgments
& observations of those that have never practised it but a
truly liberal mind will never despise rational advice
from whatever quarter it comes or treat it with disap-
probation when he hears it.

Mr. Clerk an ingenious Scotch
gentleman

with such pains & ingenuity to the study
of naval tactics that he has devised a system of that
science on rational principles & illustrated his maxims
by the experience of those who have given the best accounts
of the most celebrated naval actions that his system &

principles have been viewed with admiration by those
already tried & actual

necessary for the person. It is to combat the executive
force of his country in delicate emergencies through these talents
may not be equally necessary in time of peace or to a person
who is destined to act under the inspection of an experienced
officer. The punishment of Crimes is a part of the executive

yet it is necessary that
the constant authority of the sovereign should appear in
at least fatal cases. Should presume to take away
men's lives who had not been condemned by the laws of their
country. & this is no doubt one of the most dismal & disre-
gular parts of the duty of a sovereign & however neces-
sary must of necessity be accompanied & make him feel
what an unhappy situation who would have thought
that it was ~~advers~~ who when a death

"well"

"But the honor of this ought more properly to be
given to Seneca because this happened in the prison
Quinquennium of Ides while he acted entirely according
to the advice of that Philosopher on the other hand the

queing of pardon charging of sentences
acts ought to proceed immedi-
ately from the person of the Prince or the order of society
cannot be long enforced while an ill person of the Prince
or executive Magistrate prevails among the people &
therefore all due methods of preserving a good un-
derstanding between them ought to be contrived the
abuse of the executive power are variously restrained
under different constitutions thus in England they
are commonly restrained by the short duration of office
& authority in the person of any individual or by the
vigilance & emulation of his competitors if not by
his own virtue & moderation but they ought where-
ever to be restrained by strict responsibility & by
the approbation & disapprobation of a candid & intel-
ligent Public the annual magistracy of the Roman
Senate was designed to prevent the evil consequences of
long continuance in office other free states adopted
methods not very dissimilar for the same pur-
pose Mr. David Hume in his prospect of a perfect -

to bring them to answer for their conduct
and the he allowed this alone the privilege of impunity
yet as the court was supposed to consist wholly of
unsuccessful or disappointed candidates for the same office
it might justly be expected that their concern would
be accompanied with a considerable degree of strictness, if not
of severity but without the formality of a Court of this
kind there will commonly be many persons abundantly dis-
posed to censure the conduct of the executive etc. and as it
is difficult to reach the conduct of its officers but the greatest
loss is when officers are not made responsible at all

whatever as has generally been the case hitherto in all
the United States. This circumstance more than any
thing else tends to render officers careless & dishonest op-
probrious to some & unreasonably indulgent to others ac-
cording as they are disposed because they know very well

on end to all government what power or influence it
can have but this has not been permitted but even

applauded
a land of Liberty If a person in public trust
have real virtue & moderation he will indeed spare the
public the trouble of inquiring into his conduct by giving an
honest & candid account of himself of his own accord for the
vindication of his character but public Caus & consti-
tutions ought never to suppose that any man is honest or
dishonest except according to the testimony that arises from
his conduct on the contrary

even acknow-
ledged good men ought to give the same security for their
good behaviour & their conduct ought to be examined with
the same strictness as that of those that are known or sus-
pected to be of bad character. & the

executive do not
give security to the public for the performance of the
duties of their office or when they are not made respon-
sible for their actual conduct in them the last of these
errors prevails most in this country & the first in Great
Britain where there is an act renewed every year for
more than three 30 years past allowing a further
time which is always understood to be a year to just
persons & leave neglected to qualify themselves for office

perhaps. This act was first devised by Mr. Pitt & some of
the Acts House who intended to encourage the employing

Stewart family
continued this way of admitting them into the service of
the Crown without requiring them to change their principles
the consequence is that very great numbers of officers in every
department of government are uniformly possessed by
the friends of another interest & family who have never
come under any engagement to the King or constitution
& who might without the guilt of Perjury have joined
in restoring the heir of the Stewart family, when we

ought never to be irritated because it exposes a go-
vernment suddenly to the almost hazardous & que-
rious a temptation to our laws it without being guilt
by in their own opinion of perjury or rebellion yet the
same hazard

into office without making
profession of any religion or swearing any sort of the obliga-
tion of an oath The same things are ordered so differently
in England in this respect that every person whom the

Things Employed in

to produce an extract of the Præbend & to take the sacrament & hence according to the Canon of the Church of England those who have no doubt the

possessed of a high sense of honor & of a love of the public as well as deeply sensible of the importance of the office committed to them to whom

been safely in-

trusted some of the most important powers of government both on Sea & on Shore & those were absolutely discretionary & left the officers that exercised them almost under no other restraint than that of their own moral principles so high a degree of confidence must men in these times repose in the action of individual citizens who then lived almost as much with each other in discharging their office with honor & respect to the public

& cheating the pub-

lic being confident that they will be called to no account when men are found whose character renders them worthy of great trust the public will uniformly be left forced but even in free Princes

characters some degree must undoubtedly be run on the part of the public otherwise

The proportion exactly to
every man's character the degree of trust that is fit to be
reposed in him would be an endless & impracticable un-
derstanding. Therefore the degree of trust must be propor-
tioned

among men so that some may have too little &
others too much power entrusted to them in the very
same office regarding had to the difference of their
characters, but no man is exempted by a moderate or
average

of meddling characters who may be
other true & safe to the public in the discharge of their
office thus in common life a real good man deserves
on account of his character to be trusted to any extent

every man on account of his character ought
not to be trusted at all but on the real characters of
men as hard to discover a moderate degree of trust
must be established

otherwise • on the
other hand both good & bad men ought to be obliged
to give equal security for their respective behaviours in

thus offer. Then in common life a man would not
be a real honest man if he should refuse to give the
same security for fulfilling his contract

either in pub-
lic or private business may be legally suspected of an in-
tention of cheating because a man who really designs
to cheat himself

that he will actually do so
whereas those that propose to deal falsely will be dis-
gowned to be bound that they may cheat with the greater
security

some manner that the law ex-
pects from men of a middling character than those who will
give no security whatever may have been the splendor
or pomp of their former character or profession

must necessarily be entrusted
to one person then must be great discretionary pow-
ers conferred along with it because without those the
person who is entrusted cannot adapt his general orders
to particular persons occasions & circumstances a com-
mander of an army must not be under the necessity

among or perhaps of the whole state may
depend on the fate of a single day. great probity as well
as great valour appears in the highest listers where dis-
cretionary powers are allowed but on the generality of men
are so unfit to be much trusted these powers ought to be dealt
with a sparing hand & never granted except when the
will of a State necessarily requires the commu-
nication of them yet it has been found by practice
that even the highest discretionary powers have some-
times been delegated without the least loss

c a

first regard to moral obligation Thus the powers the
Roman Censors were immensely extensive & discre-
tionary they could deprive any of the citizens of them
of their office rank & privileges in a most summary
manner & without appeal yet we do not find that
thus the office was proved in the smallest degree dan-
gerous or prejudicial to the Roman republic on the
contrary this magistracy was useful to the state
& never produced any bad consequences when accord-

ing to our modern theorists such an office would have
been well under

of the Citizen is greater than the dif-
ference between practice & a real knowledge of human
nature & the dynamical calculation of speculation &
superficial calculations unacquainted with the true philo-
sophy & history from whence that when mankind
have a great deal entrusted to them they make them

really happier & better when they were honest & gene-
rous before the good consequences of immoderate trust
have uniformly arisen

The persons that were so highly
trusted rather than from any effect of great trust in
making people more honest than they were before
In men we see the abuses of the executive

rather than in
all constitution they are best restrained

to the Executive but for the very reason
the privilege & rights of particular persons ought to be dis-

States without exception. "Salvo jure captivitate" ought to
be understood in all commissions & orders whatsoever because
no man ought to think that he has it on his power by any
commission to transgress the law according to the ancient
addage "Id centum pejus est"

But the
people so carefully for the most part the privilege of
its rank that a mistake in this kind is scarcely to be
expected. The Roman Citizens were exempted from tor-
ture & capital punishment in all cases whatsoever except
that of Treason

take their word unless the contrary could be proven hence
Lives enough given against Verres for having caused

while he was Praetor of Sicily though he
assisted with his Castelnath that he was a Roman Citizen
now if any proof had been

by evidence it would not have
unequally in the Praetor to have treated a man as a
Citizen when he had brought no proof that he was one

to scourge the Apostle Paul. He immediately left off
when he told them that he was a Roman Citizen

authority was an insupportable pri-
vilege to a Roman Citizen & this too contributed greatly
to disarm the rage against the power of all subordinate
governors & this

yet in a late law in England
that was made for the protection of Dogs on occasion
of a Dog being stolen belonging to the late Prince of
the Wales

these animals by whipping
& if a man thought himself aggrieved

Quarter Sessions 10
days after he had been whipt but his right of appeal was
never being full use to him if hanging had been

times that the important concerns of the English Dogs had
had the honor of occupying

was 1756
while the nation was violently alarmed with the fear of
an invasion from France the Parliament were seriously

that the apprehended from the
mighty organizations of the French nation. The

officer having
from custom become so invidious in the opinion of the pub-
lic the State can receive little Benefit in this way unless
all officers on their going out of their power

at all or at the expense of an official one as "Alumniator
publicus" unless the fashion could be revised among
in that one prevailed among the Romans.

introducing
themselves into public life & public notice by causing some
remarkable default in the public service

law in the latter
way many Roman families contrived to perpetuate their
names where

Junia cornelia falcidia cornelia & the like
which we still find in the civil law in England it has

public office who could afford to give them a great deal
of money to dissent from the accusation & to dissent from
it accordingly when they had got as much as they could

in the East Indies till the culprits compounded with
their accusers & gave them as men.

governor Hastings & supplied by former
be of the same nature &c.

The great wrath of Asia
proved fatal to the Roman State & they
not yet appear
that it has as yet produced all the effects that might
be expected from it — — — — —

that is committed to the discretion of the executive may likewise
contribute much to present affairs.

Soldiers devoted only to their leaders na-
turally appears very formidable to the citizens of a free state but this
fear might be greatly lessened when it is considered that these sol-
diers themselves are citizens who have given pledges for their good be-
haviour & are under the absolute command of the magistrate.
Some Magistrates encourage foreign troops as being more dedi-
cated & discourage their own citizens from entering into the

Such & their followers are mostly Danes & Dominicans the
bodies of the Militia of Venice are likewise mostly foreigners
& what is worse they are commonly under the command of foreigners
the jealousy of the Venetian Aristocracy discourages their ar-
nobility for serving in the army or navy of State with any hope
of promotion for fear that they should in that way become more po-
pular & conspicuous for the same vile reason they affront & ruin
every brave man who has served them with purity & honor lest
he should become too popular & attain the influence that may
be formidable to government The Tyrants who subdued the Greek
Colonies or Republics generally did it by the aid of mercenary troops
It was indeed something to the credit of the Greek

Tyrants that wanted to en-
slave their country but they often did the same thing in another
shape by their own factions which misfired & banished one ano-
ther alternately as they had it in their power A standing army &
a tyrant may indeed be terrible but the same army under the
executive magistrate of a free state ought to inspire no terror at
all as their power is only the power of the Lord & the defense of every
man's rights as well as those of the state of Government when soldiers
are controlled by custom or popular opinion or quite dis-
joined from the rest of the community & engaged to serve for life

they are more apt to be hostile to liberty & easier influenced
to act against the rights of their countrymen than when they

The great difficulty of raising
or recruiting armies in times of need occasions their being enga-
ged & on many occasions of engagements
whereof the members of that country have been guilty to those
who were enlisted for a limited time must render the business of
the education

which they give to a soldier their separations them from all their
connections their training them by the whip & to per-

from the motion of Puppets & the their
degrading them in a manner of all

or activity except what is inspired into them by their words
of command or military music their teaching them to follow
their colours mechanically their removing them from the ordi-
nary labours of society & rendering them in a great measure a soci-
etal men.

of the Society & constituting a quite different interest
their uniforms & their arms as well as their discipline continually
suggess to you that they differ from others & their being separated
from the rest of the citizens & generally confined
to the society of each other tends no doubt to deprive them of

many of the prejudices & habits of Citizens

manners & amusements

& thus are come to be treated as a sort of foreigners wth their own countrymen on which account the interests of the rest of the society become very indifferent to them for the reason it is found that in times of war the peacable citizens commonly suffer as much from their own armies as from those of the enemy as the Prejudice of Soldiers against Citizens joined to the of Citizens against them often give them unreasonable notions of

that his measure

find common on every hedge he don not mean that they would do any thing extraordinary or which had not been done before yet when the armed force consists of Citizens & is under proper discipline they will find that it for their interest will

excite but not

the Soldiering & the rest of the citizens none can say how far it may go or what effect it may produce on the affection of country & hundred may be overcome by prejudice or can be led by injury though insult may be offered to soldiers they don not use their arms without order & they have no other reason so that their behaviour must greatly depend on the character of those that command them but when armies

consist of men of moral principles & an under good discipline. In judging how much they may be restrained from doing the least injury to society

any laws for the quartering of soldiers the law ended supposes that they have quarters but it provides none for them & all that they have in their way is mere custom & collection. in some on the contrary the soldiers have such quarters by law that they act as the masters of every house that they enter but the English have kept the right of the soldiers quarters wholly undivided & have had rather

great quiet the soldiers have a paltry of each other while the

business they may be quite harmful to the constitution but one circumstance with regard to a part of these that are informed in the process of government in every country threatens

barrows & commonly under their
colours from one of these to another to vote for the candidates now many parts of the soldiers or sailors were to do the same it would

restrained from coming with in 12 miles of any burrow or County town during the term of an

than a real impingement of it. The manner in which troops be-
have in which the national force is conducted & managed be-
comes thereby the

quintessence of a state. All that now remains of our Plans
is to take a short retrospect of the subject

with their political

conduct. It may appear from a comparison of the fact as already
stated in the history of the Spaniards with what is now stated as the
lack of political ingenuity that men generally accommodate
their establishments to their actual circumstances & that on the
supposition of past circumstances there is little room for
immediate improvement thus men of probity & courage
especially in small communities have commonly recourse
to support the government men distinguished

& actuated by sentiments of

Honor have generally ranged themselves under ornaments
as that preservation of their respective Manors
& very large Empires continue to be governed as they were
originally formed by force the infancy & origin of nations

on account of their antiquity & ignorance of the arts is
commonly very obscure & in most cases almost totally unknown
another cause which concurs to the same end is the vanity of
most nations who when they have become ancient & confi-
derable commonly throw a veil of ~~fact~~ fiction over the
beginning of their history in order to make their origin
appear more respectable "misfunde homines

rerum augustinorum praeceptum

Justin Champ. observes that this was the cause of the fiction
that Cyrus the founder of the Persian Empire was nursed
by a Bitch & Mithras & Romulus the founder of Rome
by a she wolf. the vanity of nations when arrived at
wealth & power & their endeavours to give themselves a
very remote & honorable original is to be discovered
almost in all histories ancient & modern The Trojan
war was the most remarkable ancient event in which
a great number of the Heroes of mankind

notations

& descent of men many nations endeavour to derive their
origin from some of the Heroes that are mentioned in that
traditional history Mr. Voltaire has an ill-natured observa-

tion on the subject he could
parallel with the romantic account, which the Greek his-
torians gave of the origin of this spectacle states the detail
which Mr. Bochart has given of us of the first settle-
ment of mankind after the flood in his

Mr. Bochart in tracing the
progress of the Phoenician Colonies & the origin of the most
ancient nations makes use of the Etymology of ancient
names compare with remote traditions to ascertain the
origin of various nations from the general person that
are mentioned in the genealogy of Noah's family & thus dis-
pose as related by Mr. he says that Mr. Bochart has
done with Noah as to what the ancients did with respect
to the Nojir was hardly that he has endeavored from
a little truth to authorize a number of fictions

of the Romans
who were themselves their great admirers but Mr. Voltaire
having no acquaintance at all with the oriental lan-
guages nor even with the Greek ought to have been much more
modest on this head as he was thereby extremely inepen-

life of jeh.

& therefore endeavours to snarl at his deformities
though it was impossible that he could know anything of the
matter by comparing him with those bad men of the Greek histo-
rians

of the war of Troy but it was still more impudent
for a man to pretend to judge of a language or argument
he could not possibly understand & were the greatest admir-
ers of Voltaire cannot contradict him

in his philo^{sophical} dic-
tionary under the word misanthrope in order to make a show of a
pen of learning when it is certain that he did not suppose he
knew that misanthrope in Hebrew signified the same thing as

happens to be entirely of
his own making it not being to be found anywhere else the
greatest part of nations so far as we can trace them are de-
fended from barbarous interests have at different times

exalted men pleasurable & end of nations & settled in their
stead & in order to cover the scandal of their own conduct have
invented a variety of fables to render their origin somewhat
more venerable but we ought no more to wonder at this
than at the variety of many individuals who after they

of this family from some illustrious & conspicuous persons
mentioned in the history of former ages in order that this
family may ~~not~~ seem to have newly arrived at riches
but only to have recovered the splendour of its progenitors
In the same manner as in the law of England when a
man buys an estate

was originally his by descent
to restore him to the possession of his ori-
ginal rights In like manner Herodotus attributes a question
to a Philosopher in the time of the Emperor Adrian having for-
tunately found an immense treasure that had been con-
cealed

from Achilles as well as Alexander the Great &
counted all the Evil gods among his progenitors but the
most ancient family that we any where read of is that

descended from the Devil & not only
bears the name of his great ancestor too signifying

represent him on his coat of arms The Pas-
loral staff appears to be the most ancient of which
we can discover any monuments or traces The hunting

State that grounded it in many parts of the world

Pastoral nations have been generally migratory & it is only from the loss of their settlements & thus becoming stationary that we can trace the arts or the monuments of past actions among them & their settlements

weaken in the history of the growth Nation which is given us in polygenit we see all these gradations distinctly & it is not incredible that most of the nations have passed through the same stages & which made of it monuments to themselves by weakness though none of their rights

It is that of the two constant nations have not however been able so far to distinguish the history & origin of nations or not to leave a few traces of aboriginal or more ancient inhabitants which were exterminated or subdued by those who had superior & dwell in their stead The Americans indeed pretended to be aboriginal but all that we can infer from that is that probably the Country of Astoria was in a great measure desert at the arrival of the first migrating tribes from Asia & Egypt

start of them in antiquity & accordingly won
the affections of a Crescent

but when we consi-
der the few broken monuments that we have of the history
of most nations we will find that they have come to our
knowledge in different states & stages of civilization &
that more changes are discernible in some of them
than in others.

stationary & without the least improve-
ment or alteration in their manners, or policy through the
whole period of human history. Thus Herodotus's description
of Africa might serve for the present age because no al-
teration whatever has happened in the manners & policy of
that people for 3000 years backwards. The same might
be said of the Scythians or Sushians though they have at-
tained a higher degree of civilization than the natives of Africa.

to our notice in ancient history must have al-
ready passed thro some previous stage of civilization or
they generally make their first appearance in possession
of some regular polity.

of the history of mankind which has been actually existing
ceased to memory is the most interesting of all others
so that we need scarcely to regret the loss of that which has
not been recorded as the detail of the war of many centuries
among a people such as the ancient Germans depicted by the
artists

only today the corruption of human nature & the
stagnation of the progress of the human race among such a people can
be scarcely if at all discernible

Lecture 200. May the 13th 1809.

The

political conduct but so far as they can be discovered they seem
generally to have arisen from their peculiar circumstances these
certainly determine the extent of their powers & must have had
considerable influence on their first political institutions Those
men whose superiority of talent to the rest of others was acknow-
ledged & established by their former actions commonly found it
an easy matter to get themselves acknowledged as sovereigns by

by them or who possessed the same talent, in an inferior degree, now an
monarchy is the most simple form of government we find that at the
beginning where the most ancient & that all the others form have
sprung from the ruin of it after it had degenerated into despotism
as there was not probably any great variety in the circumstances of
ancient nations & to be of more so probably there could not be
very much variety in their history & adventures hence arise the
great similitude of the beginning of the histories of most nations
amidst the gloom of obscurity & antiquity we are often made to
despise an illustrious personage so that we may less wonder at
his abilities & extraordinary qualities in respect to an obscure
did from the gods or conducted by some deity & making a
settlement at the head of a band of Emigrants then they common-
ly obtained by violence after having displayed prodigies of valor
in engagements with the Marbanians who are represented as very
warlike in order to raise the character of their conquerors
the invaders at least by the wisdom & valour of their chief
exterminate or enslave the Marbanians overcome sundry neigh-
bouring tribes & their commander makes alliance with great
princes & becomes the head or founder of a great Empire.

Something like this
comprehend the general outline of the history of
most nations conquests despotism rebellions confederacies & chan-
ges of government are the most usual events in it while
in the mean time arts & sciences are only accidentally men-
tioned or mentioned at all but military qualities make every
where the greatest figure in it & moral virtues either do not
appear at all or are thrown into the shade hence the reading
of the early periods of history is generally dry dull & uniform
& only fit for the curious & glozing antiquarian the inqui-
ring Philosopher or the diligent genealogist but on those
changes that took place in government no particular order can
be assigned in which the several simple forms succeeded one another
yet regularity have generally succeeded to Monarchies when Charon-
ides & Aristogiton had slain the last Tyrant of Athens

had the appearance of a monarchy in their annual archons. Solon
indeed endeavored to correct it but Pericles won in his system
again seized the Tyranny the people indeed were some times ripe
for republican government yet from consciousness of the faults
of independence & corruptions of the virtues of their deliverers

be came better fitted for it afterwards. a happy omen for the
inhabitants of this country if they would be wise enough to take
the same course. The Greeks have been chiefly remarkable for not
refusing a good education & virtuous citizens whose fame has en-
dured their country from oblivion though they themselves generally
experienced the very worst usage from their fellow citizens who would
have ever heard of the Grecian Megacles were it not for the names
of Salomon Lycorgus Meluade. Themistocles. Argefilus. Ep-
monander. Penetes. Alabuedes. Socrates. Conon &c

• a number of others of whom this nation
countries was not worthy. But the state of the arts in the Greek
Megacles was one of the most remarkable circumstances in their
history especially when we consider the very little tranquillity
that was left for the study of them by their frequent wars & factions
perhaps the strong & excitement that was given to the human
faculties by danger & alarm might somewhat contribute to the
question the effort of genius & the rivalry of different states cer-
tainly contributed so far as to the production of these rare mo-
dels which have perpetuated their fame among posterity we
know that monarchs as well as republics were frequently enga-
ged in wars yet the progress of the useful as well as of the
fine arts don not seem to have been very considerable under

the ancient monarchies at least except in that of Egypt
but whether this happened them want of taste & talents
in the monarch or from something arising from the nature
of monarchy is hard to determine some indeed have preten-
ded that the security afforded by republican government

fine arts can flourish & they generally quote ancient
States were mostly under republican government & also that
the Sciences & the fine arts flourished to a high degree among
them cannot be doubted but whether the first of these circum-
stances had the chief share in producing the second is the
great question there may indeed be republics in which
most of the citizens may be men of goodling sentiments
incapable of honor & incapable of ambition so that arts
& sciences cannot be expected to thrive among them &
on the other hand the bounty of a monarch when
he happens to be a man of taste may bestow not
only liberally but liberally & profusely on a number of men
to cultivate the arts & Sciences with sums very little
of the wealth of republics especially in later times of the
world has ever been laid out for the improvement of the

both by this wealth & by the favor & approbation that they
have given to learning & ingenuity more have done a great deal
for the encouragement of Art & Science than it cannot be doubted
that Louis the 14th of France did much more for Art & Science
in the course of his single reign than the whole Roman Empire
for the 500 years that it lasted from Narguan to Julius Caesar it
is more probable therefore that the culture of Art & Science de-
pends upon the state of domestic economy among a people &
the notion which they happen to entertain of dignity & excellence

Tranquillity, Moral plenty, temperance & a taste for elegance &
excellence appears to be the great support & encouragement of
Science among a people that have not yet attained to any high
degree of civilization but if a Tribe of men are either so indigent
as to be only able to earn a bare subsistence or so addicted to vice
& luxury as to be generally indolent intemperate or degraded in their
minds by superstition poverty or slavery the study of Art &
Science will not flourish among them a fruitful soil together
with frugality, chastity, the love of purity industry & a desire
of excellence will always be favorable to the culture of Art & Sci-
ence the state of this Country or some of its inhabitants

were only more informed by virtue & animated by industry
might certainly be as favourable to the progress of Manufacture
as that of Greece or any antient nation & that some besides we
have not the labour of invention to undergo as was the
case with them & may attain an amazing degree of wealth
knowledge population & civilization merely if we will not so
lightly despise but condescend to adopt the inventions of others
Despotic governments are generally the abode of misery &
cannot afford tranquility or stimulation enough for the
human mind to pursue the study of the useful & liberal
arts but when they are introduced they are sometimes
not quite extinguished even by the introduction of despotic
government then in the East Indies - the useful & some of the
more ornamental arts have remained for a long time not-
withstanding the despotism of the government the same thing
may be said of China where the industry of the
people supports immense numbers without foreign trade

Ornamental Arts may flourish under despotism
as quite otherwise with respect to science & literature
to look for
or Indostan unless the fragments of antient traditions
which are preserved in languages that are now dead & by them

accounted pains should be richly rewarded for such the great wisdom
that has been attributed to these nations by some modern in-
fidel writers appears to be entirely imaginary as no monuments
of it have ever yet been discovered that deserve the least notice.
It is not the interest of a despot that men should think phi-
losophize or enquire into the nature of man & things reason
wisdom & elevated sentiments being totally unfit for the state
of despotism & tend only to render them more miserable or un-
easy to obtain their liberty the greatest part of absolute mo-
narchies have likewise commonly confounded this liberality to
men natural freedom but have neglected or discouraged generally
at the restoration of King Charles the 2^d of England his privy
council advised him to institute the Royal society in ap-
pearance to encourage the study of natural philosophy and
mathematics but in reality with a view to turn away
the attention of the studious part of his subjects from moral reli-
gion & politics thus an order of people however won in this
country who have imbibed the very same principles with the
privy council of King Charles.

numbers & notes of quantity or labours & trifling arguments in
statics or Electricity while they totally discourage the study
of the Copernican authors & the definitions culled with a false

hard

principles of true liberty & rational Government. If these
plain truths find indolence indifference corruption of
manners & the love of luxury would reduce us very soon
under the yoke of despotism by the shortest way we mean
by the abuse & wanton perperion of liberty. We do hope
however that a number may be found among our youth
who will not be contented with the mere speculation & barren
parts of Science but will seek likewise what is useful
& improving what may elevate the human character improve
the order & multiply the comfort of society indifference with
regard to truth & error & a selfish & indolent Superstition
that considers all doctrines to be alike is the same ruin
of this country promoted indeed it has much more to fear
than from foreign enemies or all its other domestic vices &
defects most deficiencies of men to be by the variety of circum-
stances in which they were trained have exhibited a
correspondent variety of mixed governments & the issue
in every case has been such that where we cannot
rationally change the character & circumstances
of the people it would be folly to attempt any radical
change in the government
can be changed?

or how far such a change is practicable? now if any thing
can materially change the character of a people the practice
of the useful art. the introduction of a rational form of govern-
ment & the study of moral science must undoubtedly have that
effect as shall the difference that there is between the most

orderly & entirely owing to this what might be the
full effect of the constant & cordial reception of the Christian
Religion on the happiness of Society & the character of a
nation has never yet been sufficiently expounded because
no nation has yet received that religion

corruption
of canon hands & degrees some well disposed people in Europe
fondly imagined that when this country was raised to inde-
pendency the worst might be exemplified in it the native
influence of the **Xⁿ** Religion

circumstances & charac-
ters of the inhabitants of this country nor has for the most
part of them were men from desiring such an end indeed the
love of independence & of believing nothing at all obeying nobody
at all

passions and all they give way to industry
upon religion virtue & honor there can be no material
change in the government of this country the name of

liberty may intensify our extravagance & impetuosity
may rise notwithstanding with double sway. It is commonly
by little & little that the greatest events & most material
changes in the world have been produced of those who have
renewed the fields of knowledge.

much as possible if good books
are read & studied a seminar of learning frequented by a greater
number & with greater diligence knowledge may by degrees
creep into request.

ancient prejudices may be conquered &
many things that have been thought paradoxes might be realized
if men are not wanting to themselves.

ambition of enlightening &
improving their own country. None as the proverb says
was not all built in a day & time is no doubt requisite
in order to pursue many important undertakings but it ought
also to be remembered that time itself never does any thing
that only affords opportunity for action. Prudence to be doing
something while it passes silently on. Industry honesty
& economy might introduce many other virtues on their
train.

will dispose
a people of activity & a sense of honor & the love of ex

= collene

corruption in their
several stations & to revive the practice of virtue & religion
In speculation we form general views & look into distant con-
sequences but the first maxim of sound speculation is that where
matters go tolerably well we ought to be wary of change there
an extreme on either hand with regard to speculation some would
warily discourage it altogether & others innovating or changing
too much the first of the extremes naturally prevails most un-
der monarchical & the latter under republics Some are of the
more & obstinate disposition all attempts to change any
thing in the constitution or form of government in a state
that they would not even consent to remove an acknowledged
quovane for fear of worse as they pretend their maxim is -
"maius bene positum ne moveto" as if a real quovane
could compose a necessary part of a good government or
were less worthy of execration & condemnation for having
been long established others on the other hand are fond of con-
tinual innovation & no sooner is any law made or any form
of government established than they endeavour to defend it cir-
cumspice it before any proof has been had of its real tendency
& consequences if therefore it be suspected as it may be with
good reason that an itch for perpetual innovation is dangerous

to mankind it must be when it is not supported by know-
ledge or attended with reflection & attention to the bad consequen-
ces of perpetual change but an inflexible vigor on the one
hand & a continued tendency to change on the other are both
of them vicious extremes & ought equally to be avoided by im-
proving the Moder & pursuers with an unrelenting & uncon-
formable severity made all their laws unalterable & the English
in many respects approach to this rigor though their consti-
tution admits of repealing Statutes "nollemus leges anglice mu-
tari" or however the common motto of their administration
in the reign of Henry Charles the 2. when the nonconformists
complained of sundry laws which in their opinion were
contrary to the rights of mankind the court frequently
acknowledged that there would be no harm in repealing
these laws but that it became the dignity of government
not to consent to any alteration lest it should seem that
they had either changed without reason or that they had
been in the wrong hitherto besides they alleged that of
men who defend a change were gratified in one thing they
would proceed to ask changes in many others & that therefore
it was necessary to deny their first request that they might
make but such change unaccommodating

policy & tends to alienate the minds of the subjects. Moderation
& wisdom ought to lead the rulers of State neither to resist
a reasonable & gradual change nor to lay the essentials
of this constitution open to the hasty experiments of quacks
& political projectors. The ignorant are apt to
with the best constitution as to endeavour to reform the worst
In general they are tenacious of customs this in some
particulars they are
various modes & appearances if often indeed stand as a con-
tinual obstacle to disputes & hurtful constitution asserting
it to be absolutely perfect & incapable of a change. In the lat-
ter & it sometimes appears as a entire new consti-
tution offering such amendments as if admitted would over-
turn entirely a government altogether of this nature are
these abominable proposals of a

of all conditions, a
scheme that is destruction of property inconsistent with rational
liberty & tending to reduce society to the greatest misery if it
were only admitted for a few days to all alterations of this kind
every good citizen ought to make the most determined & in-
dignant opposition while they listen with patience to every pro-
posal of change which is inconsistent with justice & the great

ends of government the Genius of mankind leads to profusion
Every order of mind Every individual always apprehends
some inconvenience which they wish to remove or some
advantage ^{that} ~~which~~ they think they want gain & they won't
willingly break thro' way from to attain their own ends
guarantee & irregularities in government when continued
in practice for any time have one of two effects men either
become reconciled to them altogether & persuaded that things
could not be better ordered or they become impatient to have
them removed & apt to take irregular & violent methods
for that purpose thus the Plebeians in Rome suffered
the Patricians for a long time to monopolize the honors of the
state to themselves then they insisted for tribunes &
lastly for a commutation of all the honors of the state now
if through impolicy or regard any of these demands had been re-
jected it might have been the ruin of the state & on the other
hand the complying with their request with regard to an equal
division of the lands might have had the very same effect
so much wisdom

Arts commerce & Population according as they advance or decline
give rise to new circumstances & suggest successive arrange-
ments the changes in manners laws revenue & administration
occasioned by these circumstances might be obvious to every

attention of the affairs of men. Thus the circumstances
of Rome in the age of Augustus must have been vastly differ-
ent from what they were in the time of Evander & the

opinion of the
salary of officers were the same in times of wealth or in the
poor beginnings of a state it could not expect to support its
dignity or to find men to defend it in some cases however we
find that no allowance has been made for the change of times
The Pay of the English army

ago yet it was raised to this
day notwithstanding the great alteration of times & the rate of
States was
probably fixed at an earlier period being much less than the
English yet the same rigor is observed in all of them & no
has yet been granted the pay of a soldier in France is nearly
above

are made so that only one penny & $\frac{10}{12}$ of a
penny is left at the disposal of the soldier we cannot deny says
Mons^r Richer the smallness of the pay lost in the reign of
Queen Elizabeth

so that the soldiers in her time were upon a
level ordinary tradesmen & travelling men which is now very
far from being the case but at that time the Royal apart-
ments were commonly carpeted with straw or rushes & new

hay was only permitted at the Entry of an Ambassador
his majesty used to ride to St. Pauls church on a Pillion
behind his Lord's man & she purchased the first coat
& the first pair of silk stockings that ever were in England
nothing

wood-factors that are used for ships in the
house of lords though the luxury of the house has now covered
them with scarlet cloth In a new country regard ought to
be had to the forms of the state & every thing ought to be
adjusted on the most judicious plan that is consistent with
cheering till the increase of arts

of going too far & off spirit.

ting the circumstances of the country but necessity has already
called to some men passiveness in public matters it would
have been much better if it had taught us sooner to act with
our private opinions & independence The people under the
impression of great inconveniences are apt to break out into
revolts & to effect great mutations but it often happens
that even under the impression of the least inconvenience

proportioned relief & in the course of time by small altera-
tions produce a material & sensible effect nothing

unaccountable than the temper of the people sometimes their
patience of government is perfectly wonderful & approaching to in-
ferability & at other times their demands are reasonable &
moderate & they will be contented with little but at other
times again nothing short of absolute sovereignty

their enemies
will content them they always trust too much to their lead-
ers but often have the misfortune to choose the very worst
the voice of a people under a monarchy is generally moder-
ate & reasonable & desiring to be heard but to shut
the voice of a people in a republic is often unreasonable
prudent & disposed to the highest degree when they feel
this consequence & find themselves able

weaknesses cruel-
ties & affronts of crowned heads a good citizen under a
monarchy will always be jealous & apprehensive of the influ-
ence of the crown & a good citizen under a republic will be always
on his guard against the mad & violent humor of the
people as the latter are as prone to tyranny & injustice as the
former of not stretched by laws
government the people often

make no kind of distinction between great & small
matters & show as much zeal for trifles as for the most
serious & important concerns this is likewise one of the or-
derly weaknesses of monarchy thus Mr. P. M. H. says

100 Crimes in redressing one small offence it is a great defect
in justice however when proportion is not observed when punishment
meets an unsuitable to crimes not equalled at law to
the subject in dispute it sometimes happens that the
people are what the proverb says "giving up & found fault"
that is they perhaps grudge the necessary taxes for the sup-
port of government & at the same time
by exorbitant char-

ges for law without the least murmuring now the rea-
son for this is that they have a strong passion for going to
law though they have no passion for paying taxes & they

but when they People have one prejudiced & digested
a scheme of reformation to their liking thus obtaining one
part of it will only encourage them to pursue the others &
in this course

retain or desert the motion but they cannot
hope to stop it as it is in the nature of man to ground -

In

of changes whether the effort is to be near or only remote now
the choice of proper times for every business being so very delicate
& difficult it sometimes happens that a proposal may be de-
layed that could not have been hindered by any means. De-
lay

even of thus favorable designs at other times & a gain & only in
case these persons & excite them to impatience these
methods that grow painful in allaying or diverting our
popular commotion may notwithstanding be quite unpru-
dent with regard to another on account of accident that
no man can foresee or but when the nature
of the case puts it in our power to begin and proceed &
event it is certainly

perplexity & uncer-
tainty the old maxim "vox populi vox dei" ought to be
understood with a number of exceptions limitations & restric-
tions in every political deliberation it is essential to know
what is left for mankind that we may depart from it as
little as possible excessive completely & full on often as
the two extremes

changing cannot be long in the right or

this

• on the other hand a stiff adherence to certain general
has no help

harmful on effort intestine prodigious attention to circum-
stances & acquaintance with the nature & affairs of
men are the best helps to a right conduct or at least
will serve to guard us against fatal & capital errors
a well informed understanding even in the worst situations
may secure some happy effects though far short of that
ideal perfection

to look for in the affairs of men There is
nothing that men strongly distinguish from the spirit of the

extent of their several expectations the gener-
al looker always for perfection & is utterly disappointed
if every thing does not turn out right & perfectly to his thinking
on the other hand the real Politician is content to gain
a little even though he lose a great deal & will exert
patience & entertain hope of things are only in a tolerable
situation though far short of what he wished for
however & unskillful men will sometimes lose all
because they cannot gain

business & acquainted

offer to lose somewhat in order to gain a part & when they
cannot obtain all their designs will endeavour at least to get
what they can " Est quidam proinde tenus si non datur ultra
Wise men will always be prepared for disappointments

Schemes to stake all upon a
single event is very imprudent & never to be hazarded with-
out necessity but to have always a reserve war in the worst
work is the office of political prudence & it may give us some
consolation that we have at least gained something even
when a great deal is actually lost

" Mutat in milibus, mulo albino rursus luv.

" Utin scilicet cursum fortune locavit —

An attention to time & occasion may sometimes enable us to
us to recover much of what we had lost & consequently
in Caudell's designs is not only necessary in order to support our
constitution but to discover proper means & opportunities
of retrieving our affairs " Nunquam
the state friends

who those who ought to have supported them,
may find openings & opportunities in the course of time by which
their endeavours though often abortive may at last be crown'd

ed with success at least not be altogether in vain the for-
tough in the battle by men perseverance reached the end -
of the course before the hard which though far further was neg-
ligent & inattentive - Political interests are those of all others
which ought the least to be committed to chance our safety our peace
our relation one to another our improvement or degeneracy depend
in a great measure on our political institutions by these our rights are
preserved or violated & our relation to other made to approach to

flaw crimes are punished or unpunished no other being more therefore
can be indifferent to the political constitution of the country in which
we live for all depends upon the nature & administration of that
constitution our characters properties rights & enjoyments of every
kind depend not only on political constitutions but on the degree of
life that is given to these by actual execution sometimes even
under despotism a little lenity & few of the subordinate instruments
of Tyranny may make the yoke somewhat lighter to the sub-
ject & allay many of his fears but on the whole when good
laws exist but are not executed good citizens are apt to despair
& to experience the uncertainty & danger of slavery on the
very bosom of liberty for all the good qualities of the government
lie only in the laws & constitution & none of them discernible
in the administration the subjects are not likely to be any
better for them or one may call of a good government even

in the most despotic countries & this is all the good that
can be got of a government that wants an executive want of
experience & attention especially in our countries

that they are one thing & that matters cannot be ordered
otherwise to have bad laws in a country is none at all in
doubtless a very dismal condition but surely not worse than ha-
ving the best laws of in the world in our statute books

to them Political institutions tend to heighten & augment the good
as well as the bad the public
manners may indeed be worse but are not likely to be any bet-
ter in any country than the laws & constitution a bad law may
by the addition of the axis of administration in executing it do much
more mischief than could at first have been expected from it & a
good law on the other hand if it fails in the execution may give
much more dependency than if it had never been made but
if it is animated by an active & honest magistrate may perhaps
do more good than we looked for from it Human affairs
in some instances tend to improvement & in others to corruption
& the institutions of men in one of these cases promote their
improvement but in the other hasten their corruption & then

already been a long controversy
or not." *Atas paritum*

but noo nequiores mox

"Some would have us believe that complaints of the hard are only the natural effects of the pauper-ship of old men lamenting the loss of the delights of their youth & thus pretend that the world instead of growing worse is daily growing better & that men are now more virtuous than ever the truth no doubt lies in the middle

precisely to assign in what respects the world tends to improvement & in what it grows worse or perhaps a task still harder than the other but if men are really improving it seems to be only in speculative knowledge & a regard to the exterior of things for with regard to honest truth uprightness justice

certain it is evident that it grows daily worse though perhaps occasional respectability civility to strangers & the other holy-days

than they were. formerly Aristotelian manners may improve even in the absence of morals a few men are prominent in civility or can afford to be as few in appearance in words as the person who is entirely without honor who intends to do no good & who imagines his duty to his fellow creatures to be completely discharged only by taking any ~~small~~

In a monarchy the manners & customs of the court or those
in high office constitute the standard of propriety &

to the lower class on the contrary in a Republic those
who possess the talents of flattery & ostentation or who gratify
the whims of demagogues generally set the fashion so far as
fashions can be said to take place in a Republic institute
them that ground on maxims of justice that engage the minds
of the citizens in public duties that teach them to estimate rank
by the measure of personal qualities tend to preserve & to cultivate
virtue on the contrary such institutions whereby men are stripped
of their rights or made to hold their possessions at discretion
under which they are supposed to be governable only by force
or by the fear of punishment tend to heighten tyranny & dispo-
line in the

No cover every visage with paleness & to fill every heart
with jealousy & digestion the greatest & most extensive benefit
that wise men can hope to procure for their country is the esta-
blishment & preservation of just institutions & on the other hand
the greatest injury that men can commit is the overthrow &
corruption of such institutions however difficult it may be
to defend it there is such a thing as national character & the

to gradual improvement but when it is ^{of the Citizens it leads} bad it must corrupt
moral man & more extinguish the sense of shame & render
men totally callous with respect to all distinctions between
truth & falsehood right & wrong while society is in or in
a perfect state & the mutual communications of mankind are
freedom sparing & cautious there will be very little im-
provement of character but at the same time there will be
very little improvement. Corporations neighbourhoods
communities of station or taste are the great centers of society
& contribute most to form a public spirit while men stand
aloof from one another & converse only with caution & reserve
few principles will be generally approved

for the public a just
sense of liberty & independency gives elevation to a govern-
ment. The man who really loves the public is eager
to see them better than they are at present in every respect
better educated better directed better informed &
better advised & governed than they have been hitherto
while the flatterer on the other hand
that all is well enough already or argues bright

but the good
citizen ought to study the propagation of sound opinions
the practice of moral & political virtues & above all should

follow citizens, our political constitution & form of government
cannot make us worse but we may deprave it & render
it a great misfortune by bad morals & a want of
public spirit. If a man has no ambition for a good cha-
racter he not probably that he will give himself much
trouble to perform his contracts or to avoid dissipated
conduct

Some of them at least might learn to
be ashamed of their conduct because a man can derive no
true honor from the pride & independency of his country who
does not reflect honor upon it by the dignity & propriety

"An honest man is the noblest work of God"
Wright upon our dealings

profession & a faithful perform-
ance of all engagements might tend to restore confidence &
public spirit & put us on a way of getting out of all our
difficulties but laws & constitutions are quite idle & vain
without good morals & industry So often the end of
degenerate age to look

independent view of countenance to make those things
that were blighted before are no doubt

ambition is only stimulated by difficulties. interpose

You have

Economy & Policy habit of enquiry is formed by practice
the several hints that have been thrown out to you & the
large field of speculation over which you have been led may
furnish be of great use to you if you are not wanting to

confound may be of great service for opening your
mind extending your faculties & introducing you to the know-
ledge of human nature private study & meditation as well
as the frequent recollection & careful survey of your past life
may be of the highest use to you. The practice of Business
& interference in the affairs of men

many things what you have
been taught which at present perhaps appear very doubtful
It costs extremely dear to learn the history of human nature
by our own experience for that reason the proverb says justly
that Experience teaches fools if you peruse the history of man-
kind

you will be so much the better qualified for

capacities. The doctrines which we have taught you we have
undoubtedly established by arguments & to illustrate by
quotations from philosophers & others

& often had occasion to quote Latin & Greek not in order
to give you a model of proper composition which is not
immediately our business but to point out to you the ex-
cellence of these authors

language they are some-
times put in the hands of boys forgetting that they
were written by wise men

for 20 Centuries. All
nations where these authors have not been understood have
remained barbarous

Science & philosophy has been
introduced those who have been able to understand them
in their youth will find them agreeable even in old age &
will not be disposed to borrow their notions of them

enough to discern their beauties your knowledge of man
& things will lead you to grasp the constitution of your coun-
try & to labour to improve

For a man has not parts or talents
enough or is deficient of an opportunity to serve his country

civil moral & political duties in the best manner if you
have contracted a love of study & speculation this will be of
great consequence to your future as an enjoyment of
life & an improvement of time as well as in order to com-
municate to you many delightful & useful truths In-
dubious &

Those who have contracted a just moral taste &
who put an admiration of true excellence by daily consulting
the best authors of antiquity you contract a habitual mag-
nanimity & dignity of sentiment which will lead you to de-
spise all falsehood dissimulation & deceit to detect the

beauty of virtue the study of good authors will tend not less
to improve your taste than to inform your mind a sense
of propriety harmony & proportion delicacy & beauty is near-
-ly allied to virtue & leads to improvement of manners &
tastes for the fine arts in so far as our circumstances
allow us to pursue it is also of great consequence to youth
good company & the conversation of the learned you will
find

Study to be daily enlarging your ideas

& encourage the youth that is assiduous to labour will never

be a man of spirit & reputation Cultivate your facul-
ties

& arguments frequently compare your ideas
& review the progress you have made in some view of
Pedantry & vanity dream not of being able to make
those comprehend what you have learned who are destitute
of taste & of the Elements of Science Reserve to all
men

& attention avoid ill company if you have the
least exaltation of the esteem of the public modesty is
the earnest of knowledge & the true ornament of youth

you give them no cause of offence Remember that
your having gone through the forms of a liberal Educa-
tion constitutes a particular rank in life

more surely will be expected of you than of others study
that the expectations of men concerning you may not be
totally disappointed Defection & Ingratitude

dequity of manners will
be of more service to you

avoid a ostentatious display of
your learning beware of an immoderate talkativeness
as well as of a sullen & stupid silence be ready to hear

dignity but at the
same time with candor much more a good man so
remember that your behavior will not only be of consequence
to yourself but will in a great measure determine the
character of your teacher, & of the seminary

to us
as well as to yourself by a worthy behavior & that
you will not by a contrary conduct contribute to disgrace
those who sincerely wish you well & who have done you
no injury.

